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UNITED STATES DISTRICT COURT
1
2
             FOR THE NORTHERN DISTRICT OF OHIO
3
                     EASTERN DIVISION
5
6
   IN RE: NATIONAL PRESCRIPTION ) Case No.
                            ) 1:17-MD-2804
7 OPIATE LITIGATION
                          ) Hon. Dan A. Polster
   APPLIES TO ALL CASES
   ----X
10
        HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
11
                 CONFIDENTIALITY REVIEW
12
         VIDEOTAPED DEPOSITION OF BLAINE M. SNIDER
13
                    WASHINGTON, D.C.
14
               THURSDAY, NOVEMBER 8, 2018
15
                       8:34 A.M.
16
17
18
19
20
21
22
23
24 Reported by: Leslie A. Todd
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Deposition of BLAINE M. SNIDER, held at the
 1
     offices of:
 2
 3
 4
 5
                  COVINGTON & BURLING, LLP
                  One City Center
 6
 7
                  850 10th Street, N.W.
 8
                  Washington, DC 20001-4956
 9
10
11
12
13
        Pursuant to notice, before Leslie Anne Todd,
14
     Court Reporter and Notary Public in and for the
    District of Columbia, who officiated in
15
16
     administering the oath to the witness.
17
18
19
20
21
22
23
24
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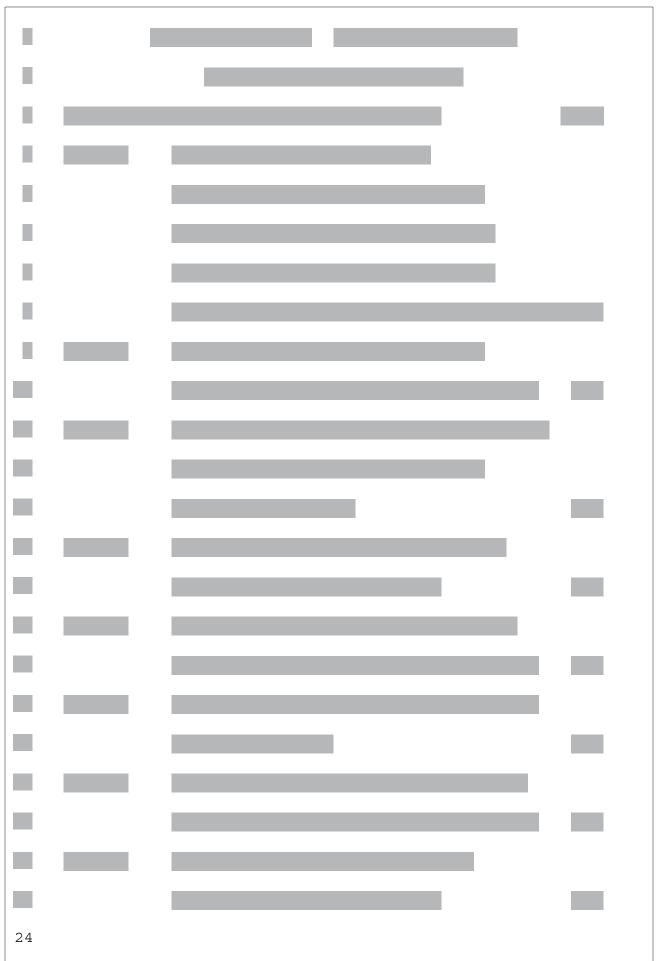
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    ALSO PRESENT:
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          RICHARD WOODS, Paralegal
         DANIEL HOLMSTOCK, Videographer
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21
22
23
24
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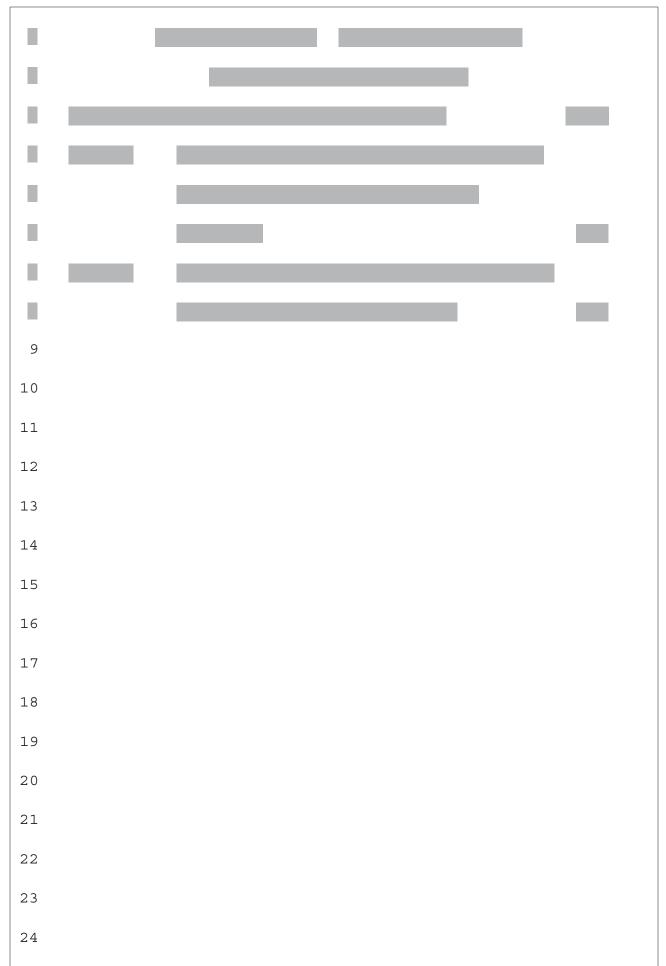
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PROCEEDINGS
 1
 2
 3
                THE VIDEOGRAPHER: We are now on the
    record. My name is Daniel Holmstock. I am the
 5
    videographer for Golkow Litigation Services.
 6
    Today's date is November 8, 2018, and the time on
    the screen is 8:34 a.m.
 7
 8
                This deposition is being held at the law
 9
    offices of Covington & Burling, LLP, at 850
10
    10th Street, Northwest, in Washington, D.C., in
11
    the matter of In Re: National Prescription Opiate
12
    Litigation. It is pending before the United
    States District Court for the Northern District of
13
14
    Ohio, Eastern Division.
15
                The deponent today is Mr. Blaine Snider.
16
                Counsel will be noted on the
17
    stenographic record. The court reporter is Leslie
18
    Todd, who will now administer the oath.
19
                   BLAINE M. SNIDER,
20
             and having been first duly sworn,
21
          was examined and testified as follows:
22
                      CROSS EXAMINATION
23
    BY MR. BOGLE:
24
                Can I get your full name, sir?
          Q
```

- 1 A Blaine Matthew Snider.
- 2 Q And am I correct that you're currently
- 3 employed with McKesson?
- 4 A Yes.
- Okay. And have you ever been deposed
- 6 before?
- 7 A No.
- 8 Q Okay. Just a few basic ground rules
- 9 that might help both of us here today. I'm going
- to be asking you some questions, and if you don't
- understand the question I ask or don't hear it,
- 12 it's perfectly okay for you to ask me to repeat or
- 13 rephrase the question. Okay?
- 14 A Okay.
- 15 Q If you need a break at any point in
- 16 time, just let me know or your counsel know.
- 17 Happy to take a break whenever you need it. All
- 18 I'd ask is if I've got a question pending, that
- 19 you answer that question, and then we can break
- 20 for whenever you want.
- 21 And also I'm going to ask you questions,
- you're going to provide answers. I'd ask that we
- try not to talk over each other. So I'll ask my
- question, try to give you ample opportunity to

answer before I ask my next question. Is that 1 fair? 2 Α Okay. Okay. And how long have you been with 5 McKesson? 6 Almost 40 years. 7 Okay. Am I correct that you currently 0 hold the director of operations position at the New Castle Distribution Center? 10 Α Yes. 11 Okay. How long have you held that 12 specific position? 13 Eighteen -- eighteen years. Α 14 Okay. What was your job at McKesson prior to that? 15 16 I was distribution center manager in Sewickley, Pennsylvania, and North Canton, Ohio. 17 18 Okay. How long did you have that role? Q 19 About three years. Α 20 How about prior to that? 0 21 I was operations manager in Cincinnati, 22 Ohio, and North Canton previous to that. 23 How long did you hold that position? 24 Oh, I can't remember now. Eight, ten Α

- 1 years, I guess.
- Q Okay. What was your job prior to that
- 3 at McKesson, just the title?
- 4 A I started as a supervisor almost 40
- 5 years ago.
- 6 Q Okay. So would it be fair to say, just
- 7 doing the rough math here, that you have nearly 30
- 8 years of experience as a distribution center
- 9 operations manager at McKesson?
- 10 A Yes.
- 11 Q Okay. Now, McKesson itself as an entity
- 12 has, as I understand it, 37 distribution centers
- around the country; is that right?
- MR. COLLINS: Objection to the form.
- THE WITNESS: I can't answer to -- it
- sounds like you're including med-surg or something
- 17 else. I know there's 28 distributions centers for
- 18 U.S. pharma.
- 19 BY MR. BOGLE:
- Q Okay. And New Castle is one of those 28
- distribution centers for U.S. pharma, correct?
- 22 A Yes.
- Q And just so I understand, as director of
- operations for New Castle, it would be your

- 1 general responsibility to run the day-to-day
- operations for the facility, correct?
- MR. COLLINS: Objection. Form.
- 4 THE WITNESS: I'm in charge of the
- 5 facility, yes.
- 6 BY MR. BOGLE:
- 7 Q Right. So it's fair to say that you're
- 8 the highest ranking McKesson employee at New
- 9 Castle that has responsibility exclusive to that
- 10 distribution center, right?
- MR. COLLINS: Objection to form.
- 12 THE WITNESS: Well, I'm not sure. I
- have a VP/GM I report to, but I run the
- 14 distribution center.
- 15 BY MR. BOGLE:
- Q Who do you report to?
- 17 A Brian Ferreira, the VP/GM.
- 18 Q When it comes to decisions specific to
- 19 the operations of New Castle, would it be fair to
- 20 say that the buck stops with you?
- MR. COLLINS: Objection to form, vague.
- THE WITNESS: I don't think so.
- 23 BY MR. BOGLE:
- Q Okay. Who do you think the buck stops

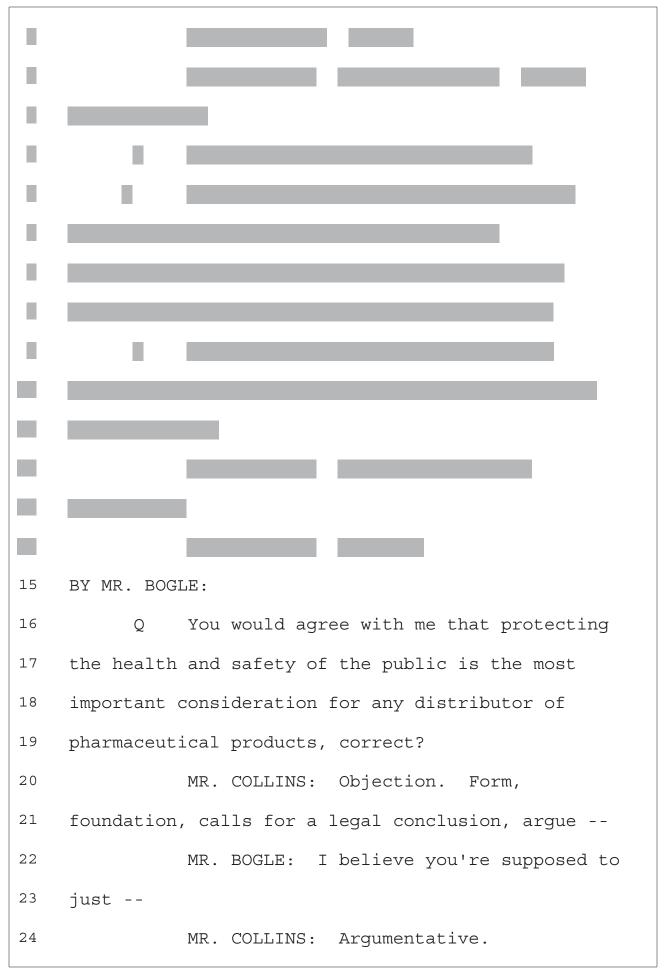
- 1 with at New Castle?
- MR. COLLINS: Same objection.
- 3 THE WITNESS: I don't know the buck. I
- 4 know I'm in charge of the distribution center
- operations, and I have a boss who is the VP/GM.
- 6 BY MR. BOGLE:
- 7 Q Okay. When you say you're responsible
- 8 for distribution center operations, what do you
- 9 think that that -- that entails?
- 10 A In charge of the distribution center and
- the employees, and the pick, pack and ship of that
- 12 operations.
- Q When you say "pick, pack and ship," what
- 14 does that mean?
- 15 A The day-to-day filling of orders for our
- 16 customers out of the New Castle DC.
- Q Okay. And when it comes to pills that
- 18 are distributed from New Castle, you would agree
- 19 with me that it's your ultimate responsibility to
- 20 make sure that those go to the proper customers
- 21 for the proper purpose.
- MR. COLLINS: Objection. Compound,
- 23 form.
- THE WITNESS: We make sure the orders

- 1 are correct, accurate, billed correctly, shipped
- 2 correctly, on time.
- 3 BY MR. BOGLE:
- 4 Q And your job responsibilities also
- 5 include, when it comes to controlled substances,
- 6 making sure that the customers purchasing are
- 7 purchasing for a legitimate medical purpose,
- 8 correct?
- 9 MR. COLLINS: Objection. Form, calls
- 10 for a legal conclusion, lacks foundation.
- 11 THE WITNESS: I can't say for the
- 12 customers all the time. I can say that I follow
- the Code of Federal Regulations.
- 14 BY MR. BOGLE:
- Q Okay. And part of the Code of Federal
- 16 Regulations, when it comes to the Controlled
- 17 Substances Act, talks about the distributor's
- 18 responsibility to ensure that they're supplying
- 19 drugs to customers who are buying it for a
- 20 legitimate medical purpose, right?
- MR. COLLINS: Objection. Form, asked
- 22 and answered --
- THE WITNESS: Can you repeat that?
- MR. COLLINS: -- calls for a legal

- conclusion. 1 Please let me finish my objections. 2 BY MR. BOGLE: When it comes to the Controlled 5 Substances Act, you understand that part of that 6 act requires that controlled substances that are distributed to customers are being provided for a 7 legitimate medical purpose, correct? 8 9 MR. COLLINS: Objection. Form, calls 10 for a legal conclusion. 11 THE WITNESS: I can't --12 MR. COLLINS: Foundation. 13 THE WITNESS: I can't say a legitimate 14 medical purpose. I don't know that phrase. I'm 15 sorry. 16 BY MR. BOGLE: 17 You've never heard that phrase? 18 Α No. 19 Q Okay. You're a member of management at the distribution center for New Castle, right? 20
- 21 A Yes.
- 22 MR. COLLINS: Objection to form.
- 23 BY MR. BOGLE:
- 24 And the distribution center management Q

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at McKesson has the full responsibility for
 1
    ensuring the proper distribution of controlled
 2
    substances, correct?
                MR. COLLINS: Objection to form, calls
 4
 5
    for a legal conclusion, vague.
 6
                THE WITNESS: Can you repeat the
    question, please?
 7
 8
                MR. BOGLE: Can you repeat back, Court
 9
    Reporter?
10
                (Whereupon, the requested record
11
                was read.)
12
                MR. COLLINS: Same objections.
13
                THE WITNESS: I believe so, yes.
14
    BY MR. BOGLE:
15
                Okay. And that's a job you take
16
    seriously, right?
17
         A
                Yes.
                Okay. Just make sure you speak up a
18
    little bit. I'm having sometimes a little trouble
19
20
    hearing you.
21
         Α
            Okay.
               Is that "yes"?
22
23
         A
                Yes.
```





- 1 MR. BOGLE: -- stick to form objections.
- You're going beyond that considerably here.
- MR. COLLINS: No, my objection is
- 4 legitimate. Your question wasn't. So my
- objection stands. It's the form, calls for a
- 6 legal conclusion --
- 7 MR. BOGLE: I believe the protocol calls
- 8 for just form objections. Not speaking objections
- 9 beyond that.
- MR. COLLINS: We have a phone here if
- 11 you want to make a call to the special master.
- MR. BOGLE: Well, we can see if this
- 13 continues. We may have to.
- MR. COLLINS: Listen, it's a proper
- objection. Your question wasn't.
- MR. BOGLE: I don't want to stop ten
- 17 minutes in.
- 18 BY MR. BOGLE:
- 19 Q I'll ask my question again.
- Do you believe that protecting the
- 21 health and safety of the public is the most
- important consideration for a distributor of
- 23 pharmaceutical products?
- MR. COLLINS: Same objections. Form,

- 1 calls for a legal conclusion, foundation.
- THE WITNESS: I can't answer to all the
- 3 health and safety of the public. I can answer to
- 4 the Code of Federal Regulations and my duties.
- 5 BY MR. BOGLE:
- 6 Q Okay. So do you believe that compliance
- 7 with the Federal Regulations is the most important
- 8 consideration for a distributor of pharmaceutical
- 9 products like McKesson?
- MR. COLLINS: Objection to form.
- 11 THE WITNESS: I think it's a part of it.
- 12 BY MR. BOGLE:
- Q Okay. Any more important part that you
- 14 can think of?
- MR. COLLINS: Same objections. Form,
- 16 foundation.
- 17 THE WITNESS: Well, people.
- 18 BY MR. BOGLE:
- 19 Q People, what do you mean by that?
- 20 A My employees.
- Q Okay. What about the people that you're
- supplying the controlled substances to ultimately,
- the end user?
- MR. COLLINS: Object --

- 1 BY MR. BOGLE:
- 2 Q Do you think you have any responsibility
- 3 to those people?
- 4 MR. COLLINS: Objection. It's a
- 5 mischaracterization, lacks foundation, form.
- 6 THE WITNESS: I mentioned before about
- on-time, accurate delivery to my customers.
- 8 BY MR. BOGLE:
- 9 Q Okay. So you think you have any
- 10 responsibility to the -- the end user, the person
- who's purchasing from your customer?
- MR. COLLINS: Objection to form, calls
- 13 for speculation.
- 14 THE WITNESS: I think I mentioned that
- 15 before. Yes.
- 16 BY MR. BOGLE:
- Q Okay. And as to the ultimate purchaser,
- 18 the person who's going to go to your -- to the
- 19 pharmacy and purchase the drug, do you think that
- 20 McKesson has a responsibility to protect the
- 21 health and safety of those people?
- MR. COLLINS: Same objections. Asked
- and answered, form.
- THE WITNESS: I can't answer for all of

- 1 McKesson. I can just answer for New Castle.
- 2 BY MR. BOGLE:
- 3 Q Sure. Then I'll rephrase it that way.
- 4 Do you think New Castle has such a responsibility?
- 5 MR. COLLINS: Same objections.
- 6 THE WITNESS: I don't -- can you repeat
- 7 the question?
- 8 BY MR. BOGLE:
- 9 O Sure.
- 10 Do you think New Castle has a
- 11 responsibility for the health and safety of the
- end user purchasing controlled substances
- distributed by McKesson?
- MR. COLLINS: Objection to form.
- THE WITNESS: I can't say that I can
- 16 control that.
- 17 BY MR. BOGLE:
- 18 Q Okay. I didn't ask if control. I asked
- 19 if you had responsibility.
- MR. COLLINS: Objection to form.
- THE WITNESS: I can't be responsible for
- 22 someone that purchases drugs.
- 23 BY MR. BOGLE:
- Q Okay. So you think you have no

- 1 responsibility for ensuring that people are
- 2 purchasing for legitimate medical purposes?
- MR. COLLINS: Objection to form,
- 4 argumentative. Calls for a legal conclusion.
- 5 THE WITNESS: I can't answer to that.
- 6 BY MR. BOGLE:
- 7 O You don't know?
- 8 A I can't answer to that.
- 9 Q Okay. When you say you can't answer
- 10 that, what -- what's keeping you from answering
- 11 that?
- 12 A I don't know.
- Q Okay. Have you heard of the term
- 14 "diversion" when it comes to controlled
- 15 substances?
- 16 A Yes.
- Q What does that term mean to you?
- 18 A It's in the supply chain where the
- 19 product could be diverted. Like inbound trucks
- that come in, sometimes those are hijacked, or in
- the building to make sure security is there.
- 22 There's a chance for diversion there. And in the
- truck drivers, there's a chance for diversion
- there. And to make sure that that supply chain is

- 1 intact.
- 2 Q Okay. So you talked about ways that
- diversion can occur, but before we get there, what
- 4 do you understand the term "diversion" to mean?
- 5 When somebody diverts something when it comes to
- 6 controlled substances, what does that mean to you?
- 7 A Loss of controlled substance.
- 8 Q Loss of product?
- 9 A Yes.
- 10 Q Okay. Have you ever heard the term
- "diversion" used to mean the use of a controlled
- 12 substance for an illegitimate purpose?
- 13 A No.
- 14 Q Never heard of that concept?
- 15 A No.
- Okay. You've talked a couple of times
- 17 about compliance with Federal Regulations, and
- that you're familiar with the Controlled
- 19 Substances Act, correct?
- MR. COLLINS: Objection. Lacks
- foundation, calls for a legal conclusion.
- THE WITNESS: Is that the Code of
- 23 Federal Regulations?
- 24 BY MR. BOGLE:

- 1 Q I'm just asking if you're familiar with
- 2 the Controlled Substances Act.
- 3 A I'm not sure.
- 4 Q You're not -- have you ever heard that
- 5 phrase used, Controlled Substances Act?
- 6 A No.
- 7 Q Never heard that?
- 8 A No.
- 9 Q Okay. So is that -- have you ever read
- any portion of that act in conjunction with your
- 11 responsibilities at McKesson?
- 12 A I would have to see it. I'm not sure it
- was called the Controlled Substance Act. I just
- 14 know the Code of Federal Regulations.
- Okay. Do you have any familiarity as to
- 16 whether the Controlled Substances Act was -- was
- and is designed to prevent diversion of controlled
- 18 substances like opioids?
- MR. COLLINS: Objection. Calls for a
- 20 legal conclusion, form.
- THE WITNESS: I can't answer to that. I
- 22 don't know.
- 23 BY MR. BOGLE:
- Q Are you familiar with SOP 55? Ever

heard of that? 1 2 Α No. Okay. And SOP, I'm referring to 3 Q Standard Operating Procedure, 55. Does that help at all? 5 I don't call it that. 6 7 Q Okay. 8 Α I'm not familiar with that. 9 Okay. I'm going to hand you what I'm marking as -- it's labeled as Exhibit 1.1555, 10 being marked as Snider Exhibit 1. 11 12 (Snider Exhibit No. 1 was marked 13 for identification.) 14 MR. BOGLE: There's yours, and there's 15 an extra there too. 16 BY MR. BOGLE:





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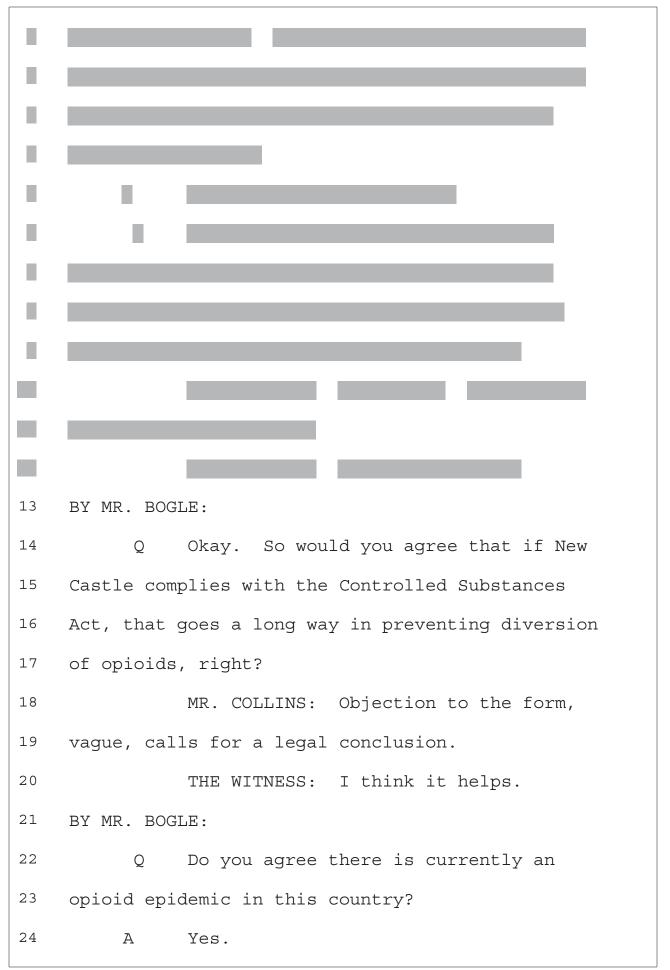
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- 1 Q And do you agree that the diversion of
- 2 controlled substances is a cause of that epidemic?
- MR. COLLINS: Objection. Calls for a
- 4 legal conclusion. Foundation.
- 5 THE WITNESS: You keep using the word
- 6 "diversion." In the control of McKesson New
- 7 Castle, I believe if there were diversion, that
- 8 would not help the opioid crisis.
- 9 BY MR. BOGLE:
- 10 Q All right. And the opioid crisis that
- we are dealing with today, do you understand was
- caused, in part, by diversion of controlled
- 13 substances?
- MR. COLLINS: Objection. Form, calls
- for a legal conclusion, lack of foundation.
- 16 THE WITNESS: I don't know that.
- 17 BY MR. BOGLE:
- 18 Q You don't know.
- Are you aware that opioid overdoses are
- the leading cause of injury-related death in the
- 21 United States?
- MR. COLLINS: Objection. Form.
- THE WITNESS: No, I'm not.
- 24 BY MR. BOGLE:

```
Okay. I'm going to hand you what I'm
 1
           0
 2
    marking as Exhibit 1.264, also marked as Snider
    Exhibit 2.
 3
                (Snider Exhibit No. 2 was marked
 4
 5
                for identification.)
 6
                MR. COLLINS: Thank you.
 7
    BY MR. BOGLE:
 8
                Do you see here, to introduce the
 9
    document, at the top it says "E&C, U.S. House of
10
    Representatives, Committee on Energy and
    Commerce."
11
12
                Do you see that?
         Α
13
                Yes.
14
                And it's dated May 4, 2018?
           Q
15
          Α
                Yes.
16
                And do you -- below that it says:
     "Regarding hearing entitled 'Combatting the Opioid
17
    Epidemic, 'examining concerns about distribution
18
    and diversion."
19
20
                Do you see that?
21
          Α
                Yes.
22
                Okay. And if you go to the second page
           Q
23
    of this document, the paragraph below the chart
24
     that starts with "The U.S. continues." Do you see
```

that? 1 2 Α Yes. 3 It says: "The U.S. continues to experience an opioid epidemic which has worsened 5 over the last two decades. Opioid-involved 6 overdose deaths are the leading cause of injury 7 death in the U.S. and take the lives of 115 8 Americans per day." 9 Do you see that? 10 Α Yes. 11 Have you ever seen or heard of that stat Q 12 before? 13 MR. COLLINS: Objection. Foundation. 14 THE WITNESS: No. 15 BY MR. BOGLE: 16 Any reason to dispute that? 17 MR. COLLINS: Objection. Foundation, form, asked and answered. 18 19 THE WITNESS: I couldn't say. 20 BY MR. BOGLE: 21 Okay. It goes on to say: "According to 22 a recent report issued by the Centers for Disease 23 Control and Prevention, prescription or elicit

opioids were involved in nearly two-thirds of all

24

```
drug overdose deaths in the U.S. during 2016, a
 1
 2
    27.7 percent increase from 2015."
 3
                Do you see that?
         Α
                Yes.
 5
           Q
                And it says: "In total, more than
    351,000 people have died since 1999 due to an
 6
 7
    opioid-involved overdose. The crisis has become
    so severe that the average life expectancy
 8
 9
    declined in 2016 from the previous year largely
10
    because of opioid overdoses."
11
                Do you see that?
12
         A
                Yes.
13
                Okay. Have you ever heard that before,
14
    that the life expectancy in this country has
15
    declined largely because of opioid overdoses?
16
                MR. COLLINS: Objection. Form,
17
    foundation.
18
                THE WITNESS: No.
19
    BY MR. BOGLE:
20
                That's news to you?
           0
                MR. COLLINS: Objection. Argumentative.
21
```

THE WITNESS: Yes.

22

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Case: 1:17-md-02804-DAP_Doc#: 1984-18 Filed: 07/24/19 63 of 520 PageID #: 253063 Further Confidential ty Review





Case: 1:17-md-02804-DAP_Doc#: 1984-18 Filed: 07/24/19 65 of 520 PageID #: 253065 Further Confidentiality Review



Case: 1:17-md-02804-DAP_Dog#: 1984-18 Filed: 07/24/19 66 of 520 PageID #: 253066. Highly confidential ty Review



Case: 1:17-md-02804-DAP_Doc#: 1984-18 Filed: 07/24/19 67 of 520 PageID #: 253067 Review



Case: 1:17-md-02804-DAP_Doc#: 1984-18 Filed: 07/24/19 68 of 520 PageID #: 253068 Fighly Confidential Filed: 07/24/19 68 of 520 PageID #: 253068.





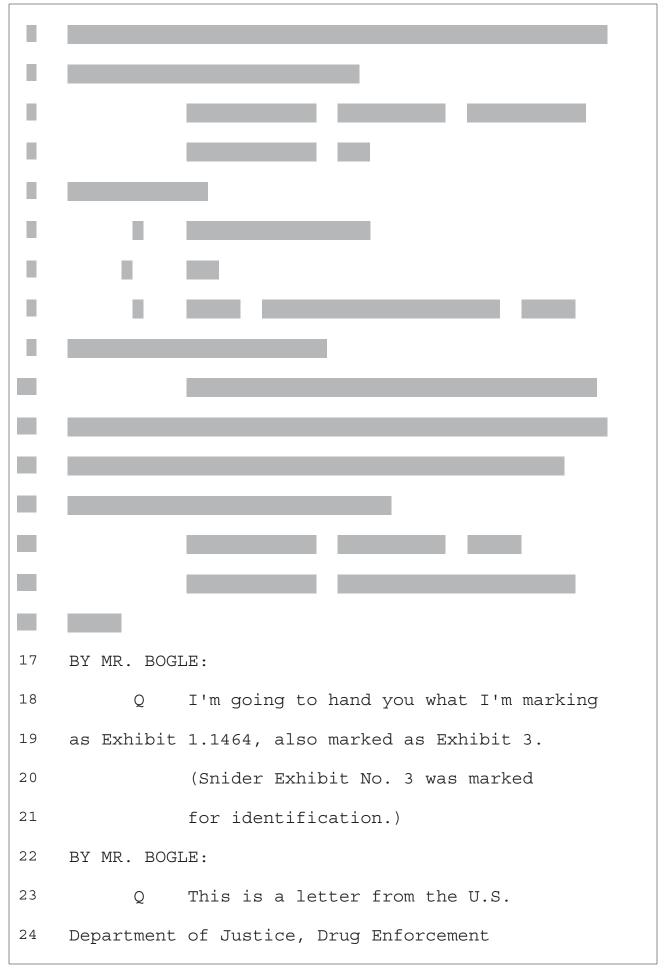


Case: 1:17-md-02804-DAP_Dog#: 1984-18 Filed: 07/24/19 71 of 520 PageID #: 253071 Further Confidentiality Review



Case: 1:17-md-02804-DAP_Doc#: 1984-18 Filed: 07/24/19 72 of 520 PageID #: 253072 Further Confidentiality Review





- 1 Administration, September 27, 2006.
- 2 Do you see that?
- 3 A Yes.
- 4 Q Okay. Have you ever seen this letter
- 5 before?
- 6 A No, I haven't.
- 7 Q You have not. Okay.
- 8 Communications from the DEA regarding
- 9 your responsibilities at New Castle, do those
- 10 generally not make their way to you?
- MR. COLLINS: Objection. Assumes facts
- 12 not in evidence, argumentative, foundation, form.
- THE WITNESS: Yes, they made their way
- 14 to us, and we would adopt -- adapt the manual and
- follow the SOPs and new procedures.
- 16 BY MR. BOGLE:
- Q Okay. But you've never seen this
- 18 letter?
- 19 A No, I'm sorry, I don't remember seeing
- 20 it.
- Q Well, let me ask you about a couple of
- things in here.
- To start, it says: "This letter is
- being sent to every commercial entity in the

- 1 United States registered with the Drug Enforcement
- 2 Administration to distribute controlled
- 3 substances. The purpose of this letter is to
- 4 reiterate the responsibilities of controlled
- 5 substance distributors in view of the prescription
- 6 drug abuse problem our nation currently faces."
- 7 Do you see that?
- 8 A Yes.
- 9 Q Okay. And then the third paragraph on
- the first page which starts with "Distributors
- are," do you see that sentence? It's the second
- sentence in that paragraph.
- MR. COLLINS: Third paragraph, the
- 14 second sentence.
- THE WITNESS: Oh, okay.
- 16 BY MR. BOGLE:
- 17 Q It says: "Distributors are of course
- one of the key components of the distribution
- 19 chain. If the closed system is to function
- 20 properly as Congress envisioned, distributors must
- 21 be vigilant in deciding whether a prospective
- 22 customer can be trusted to deliver controlled
- 23 substances only for lawful purposes."
- Do you see that?

1 А Yes. 2 Q Do you agree with that statement? 3 MR. COLLINS: Objection. Form. Foundation. 5 THE WITNESS: Yes. BY MR. BOGLE: 6 It says: "This responsibility is 7 0 critical as Congress has expressly declared that 8 9 the illegal distribution of controlled substances 10 has a substantial and detrimental effect on the 11 health and general welfare of the American 12 people." 13 Do you see that? 14 Α Yes. 15 If you go to the second page here, I'm 16 about three-quarters of the way down the page, the paragraph starting with "Thus." Do you see that? 17 18 Α Yes. It says: "Thus, in addition to 19 0 20 reporting all suspicious orders, a distributor has 21 a statutory responsibility to exercise due 22 diligence to avoid filling suspicious orders that 23 might be diverted into other than legitimate

medical, scientific and industrial channels."

24

```
Do you see that?

A Yes.

Q Okay. But in 2006, I think we just

talked about the fact that when a suspicious order
```

- 5 was detected at your facility at least, it was
- 6 filled, right?
- 7 MR. COLLINS: Objection. Form,
- 8 foundation.
- 9 THE WITNESS: Not always.
- 10 BY MR. BOGLE:
- 11 Q Okay.
- 12 A I testified that not always. We would
- 13 cut orders down on occasion.
- Q When you thought they had fat fingers.
- 15 I think that was the term you used.
- 16 A Or they -- yeah, or they made a mistake.
- Q Right. But if you thought that they
- 18 were ordering what they were -- intended to order,
- 19 that order was filled, even though you're saying
- that a suspicious order report would have been
- 21 provided to the DEA, right?
- MR. COLLINS: Objection. Form.
- THE WITNESS: If the definition is off
- of that report, three times or the eight times,

- yes.BY MR.
- 2 BY MR. BOGLE:
- 3 Q Then it would have been filled, right?
- 4 A Yes.
- 5 Q Okay. And this letter from the DEA
- 6 indicates that you shouldn't be filling those kind
- 7 of prescriptions, right?
- 8 MR. COLLINS: Objection.
- 9 BY MR. BOGLE:
- 10 Q If you've identified them as suspicious.
- MR. COLLINS: Objection. Foundation,
- 12 compound, argumentative, calls for a legal
- 13 conclusion.
- 14 THE WITNESS: I don't see it that way.
- 15 BY MR. BOGLE:
- 16 Q You don't think that's what that says?
- 17 A No.
- Q Okay. And the responsibility to avoid
- 19 shipment of orders deemed suspicious by a
- distributor, that policy has always been in effect
- 21 since the Controlled Substances Act was enacted in
- 22 1970, right?
- MR. COLLINS: Objection. Form, assumes
- 24 multiple facts, legal conclusion.

```
1
                THE WITNESS: I can't say that. 1970,
 2
    I -- I don't know that.
    BY MR. BOGLE:
                Well, do you think this -- this sentence
 5
    I read to you here about avoiding filling
    suspicious orders was something new that was added
 6
    to the regulations in '06?
 7
 8
                MR. COLLINS: Objection. Calls for a
 9
    hypothetical, speculation.
10
                THE WITNESS: I don't know.
11
                MR. COLLINS: Calls for a legal
12
    conclusion.
    BY MR. BOGLE:
13
14
               You don't know?
           Q
15
         Α
                No.
16
                And the next paragraph down, the last
    sentence says: "Again, to maintain effective
17
    controls against diversion, as Section 823(e)
18
    requires, the distributor should exercise due care
19
20
    in confirming the legitimacy of all orders prior
21
    to filling." Right?
22
         Α
                Yes.
23
                Okay. And you know that's not a new
24
    policy either, right?
```

- 1 MR. COLLINS: Objection.
- 2 BY MR. BOGLE:
- 3 Q In '06.
- 4 MR. COLLINS: Objection. Vaque, calls
- 5 for a legal conclusion.
- THE WITNESS: I don't know that.
- 7 BY MR. BOGLE:
- 8 Q Okay. Do you have any disagreement that
- 9 that's what the law required in '06?
- MR. COLLINS: Objection. Calls for
- 11 speculation, legal conclusion, asked and answered.
- 12 THE WITNESS: I have no disagreement
- with that it's -- that it's written there.
- 14 BY MR. BOGLE:
- Q Okay. And would you agree with the
- 16 notion that reporting a suspicious order to the
- 17 DEA and not filling it gives the DEA the
- 18 opportunity to investigate that order without
- 19 having the potential of getting into the public
- 20 for potential diversion?
- MR. COLLINS: Objection, if that's a
- question. Calls for a legal conclusion, it's
- compound, it's vaque.
- 24 BY MR. BOGLE:

- 1 Q You can answer.
- 2 MR. COLLINS: And it calls for
- 3 speculation.
- 4 THE WITNESS: I can't answer to that. I
- 5 don't know.
- 6 BY MR. BOGLE:
- 7 Q Okay. Do you think the DEA has the same
- 8 ability to investigate and prevent diversion after
- 9 you've filled the order versus if you hadn't
- 10 filled it at all?
- MR. COLLINS: Objection. Foundation,
- 12 argumentative, compound.
- THE WITNESS: I know in New Castle, we
- 14 had a relationship with the DEA, and I talked to
- them, they called me. At one point the DEA agent
- in charge was my neighbor, so I knew them, and I
- 17 knew if there was a problem, they would let me
- 18 know.
- MR. BOGLE: Move to strike as
- 20 nonresponsive.
- 21 BY MR. BOGLE:
- Q My -- my question simply was, if you
- fill an order that you deem suspicious, then it
- 24 naturally is going to be harder to the DEA to

prevent diversion from that suspicious order as 1 opposed to if you had reported it and not filled 2 it at all, right? 3 MR. COLLINS: Objection. Closing 4 argument. Assumes facts not in evidence, calls 5 for speculation, form, compound, vague. 6 7 THE WITNESS: I don't know that. 8 BY MR. BOGLE: You don't know. 9 0 10 Α No.











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2 BY MR. BOGLE: 3 Q Okay. MR. COLLINS: Are you moving on to 4 5 something else? 6 MR. BOGLE: Yeah. 7 MR. COLLINS: Can we take a short break? We've been going 70 minutes. 8 9 MR. BOGLE: That's fine. 10 THE VIDEOGRAPHER: The time is 9:42 a.m. We're going off the record. 11 (Recess.) 12 13 THE VIDEOGRAPHER: The time is 9:55 a.m. 14 We're back on the record.







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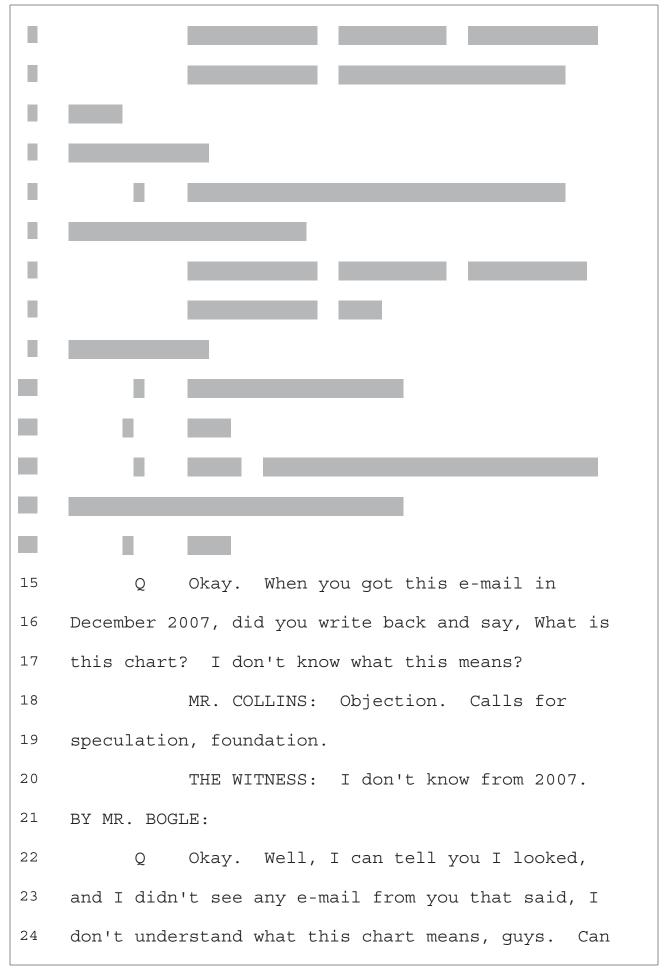
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```
THE WITNESS: According to Diane.
 5
    BY MR. BOGLE:
 6
               It -- and that's actually according to
 7
          0
    Alexandra, right?
 8
 9
               Or Alex -- Alexandra, yes.
10
          Q
               Okay. What did she do at McKesson at
    that point in time? What was her job?
11
12
         A
               Sales.
               Okay. When Alexandra said something,
13
          Q
14
    was it generally accurate?
               MR. COLLINS: Objection. Calls for
15
    speculation.
16
    BY MR. BOGLE:
17
            Did you find her to be inaccurate
18
    frequently in her e-mails?
19
20
               MR. COLLINS: Objection. Speculation.
               THE WITNESS: I can't -- I can't respond
21
22
    to her accuracy on e-mails.
23
    BY MR. BOGLE:
```

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somebody explain this to me? I didn't see an 1 e-mail like that. I'm sure if your counsel has 2 3 got one, they'll show it to you in his exam. MR. COLLINS: You don't have to answer. 4 5 That's not a question. BY MR. BOGLE: 6 7 Do you have any reason to testify under 0 8 oath today that you sent a response saying you 9 don't understand what this chart means? 10 MR. COLLINS: Objection. Argumentative. THE WITNESS: I don't know what it means 11 12 specifically. I see what it says. 13 BY MR. BOGLE: 14 Q Okay. 15 I can't remember from 2007.



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Case: 1:17-md-02804-DAP Doc#: 1984-18 Filed: 07/24/19 103 of 520 PageID #: 253103 ew



Case: 1:17-md-02804-DAP Doc#: 1984-18 Filed: 07/24/19 104 of 520 PageID #: 253104 Highly Confidential Exercises



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Case: 1:17-md-02804-DAP Doc#: 1984-18 Filed: 07/24/19 107 of 520 PageID # 253107 Highly Confidential Exercises



```
BY MR. BOGLE:
 1
 2
                Let me ask you this: If you had
 3
    concerns about controlled substances going, and
    specifically opioids, going to a New Castle
 5
    customer from 2000 to 2018, it was, first of all,
    your responsibility to raise that concern, right?
 6
 7
                MR. COLLINS: Objection. Compound.
    Assumes facts not in evidence.
 8
 9
                THE WITNESS: Yes.
10
    BY MR. BOGLE:
11
                Okay. You knew that was your job,
           Q
12
    right?
13
         Α
                Yes.
14
                Okay. And ultimately, if you raised
    that concern, you were in a position of management
15
16
    at the DC when you did so, right?
17
         Α
                Yes.
                Okay. You're somebody that people
18
           Q
    listen to, right?
19
20
                I can't answer that. I don't know.
         Α
21
                You don't know if people listen to you?
           0
22
         Α
                I'm sure they do. Some do, some don't.
```

Okay. As to Franklin's Pharmacy, for

Q

23



talking about this --1 2 MR. COLLINS: I'm sorry, hold on a 3 second. MR. BOGLE: Yeah, it's the PowerPoint 4 5 deck you have right next to you, the Lifestyle Drug. 6 BY MR. BOGLE: 7 8 We were talking about this a few moments I want to go to page .7 in this slide deck. 9 It's noted here, the slide is titled 10

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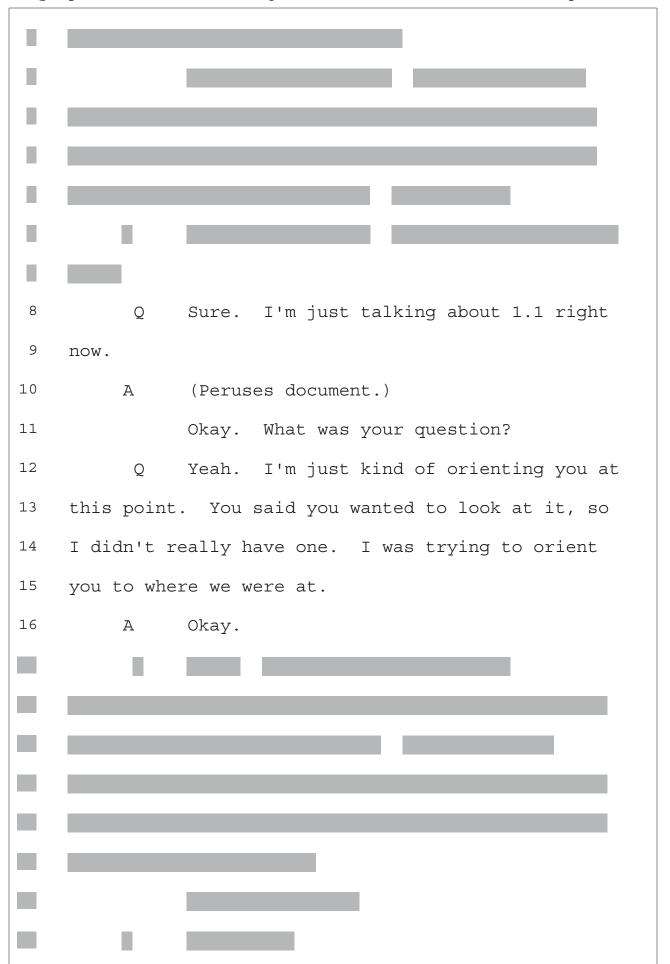


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Case: 1:17-md-02804-DAP Doc#: 1984-18 Filed: 07/24/19 128 of 520 PageID #: 253128 Highly Confidential Exercises



Case: 1:17-md-02804-DAP Doc#: 1984-18 Filed: 07/24/19 129 of 520 PageID #: 253129 Highly Confidential Exercises



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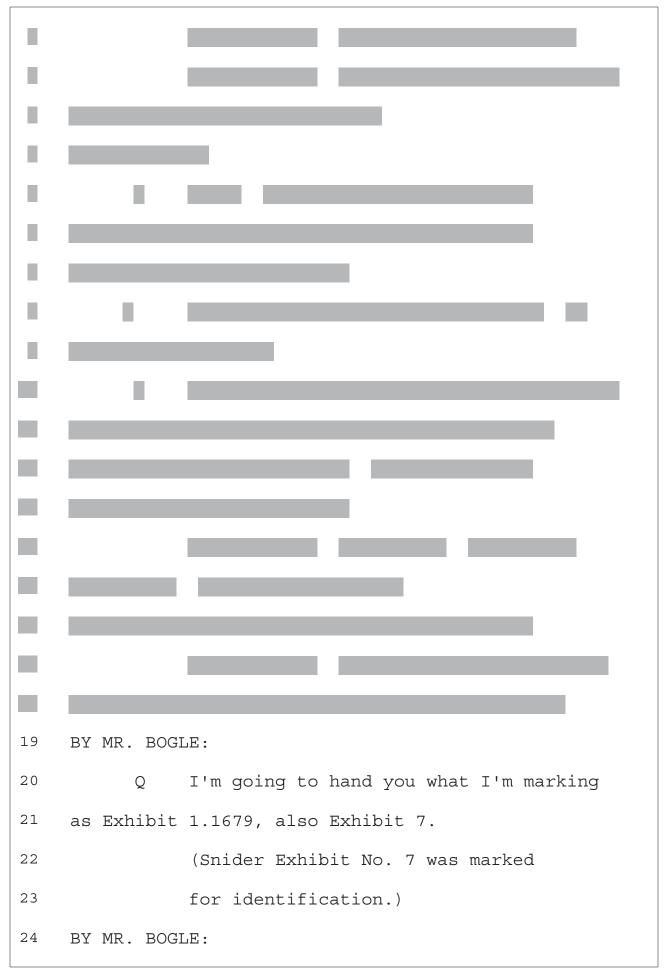


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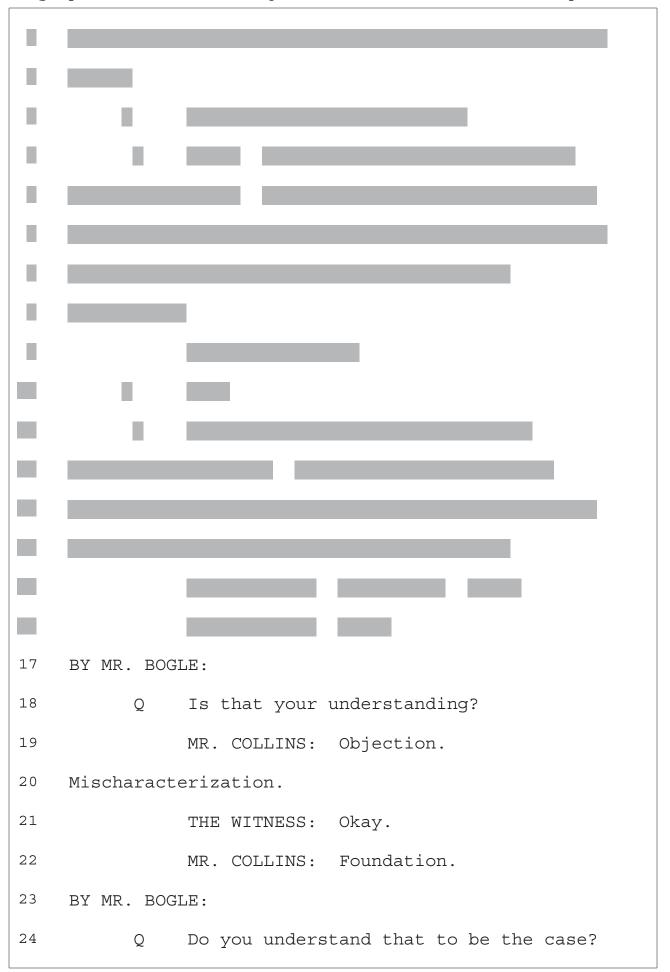
Are you familiar with Dave Gustin? 1 O 2 Α Yes. Okay. He was in the regulatory 3 Q department at McKesson, right? Α 5 Yes. Okay. I want to take a look at page .2 6 7 here, the second page. 8 MR. COLLINS: I'm sorry. If you need to take more time to review it to familiarize 9 10 yourself with the document, please do. BY MR. BOGLE: 11

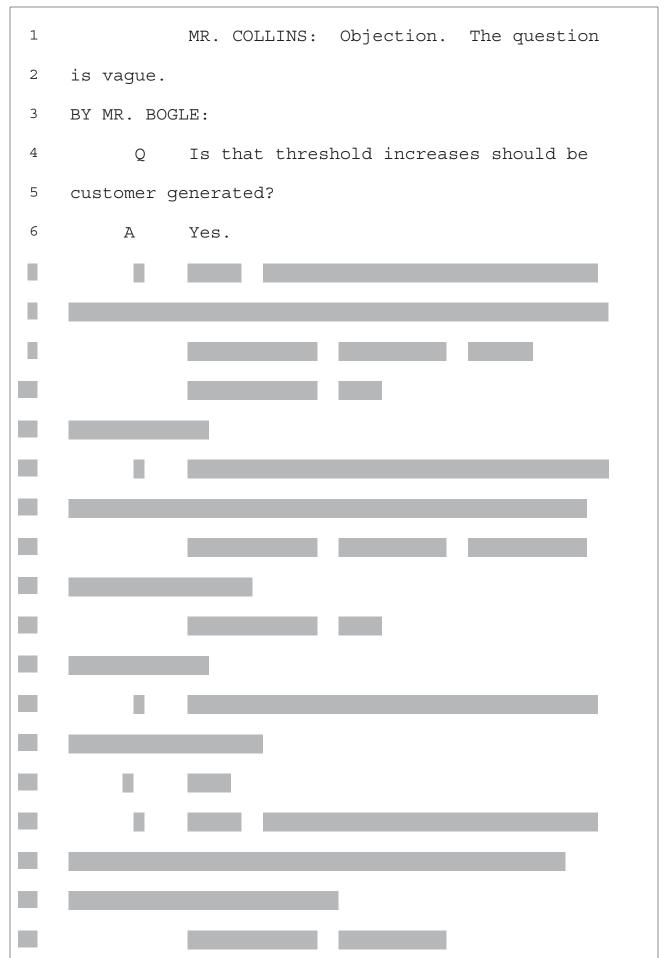
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```
I'm marking as 1.795, Exhibit 8 to your
1
    deposition.
2
3
               (Snider Exhibit No. 8 was marked
               for identification.)
4
5
    BY MR. BOGLE:
```





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Case: 1:17-md-02804-DAP Doc#: 1984-18 Filed: 07/24/19 141 of 520 PageID #: 253141 Highly Confidential Exercises



Case: 1:17-md-02804-DAP Doc#: 1984-18 Filed: 07/24/19 142 of 520 PageID #: 253142 Highly Confidential Exercises



Case: 1:17-md-02804-DAP Doc#: 1984-18 Filed: 07/24/19 143 of 520 PageID#: 253143 Highly Confidential#: 253143 eview

Case: 1:17-md-02804-DAP Doc#: 1984-18 Filed: 07/24/19 144 of 520 PageID#: 253144 Highly Confidential#: 253144 Filed: 07/24/19 144 of 520 PageID#: 253144



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Case: 1:17-md-02804-DAP Doc#: 1984-18 Filed: 07/24/19 147 of 520 PageID #: 253147 Highly Confidential Exercises





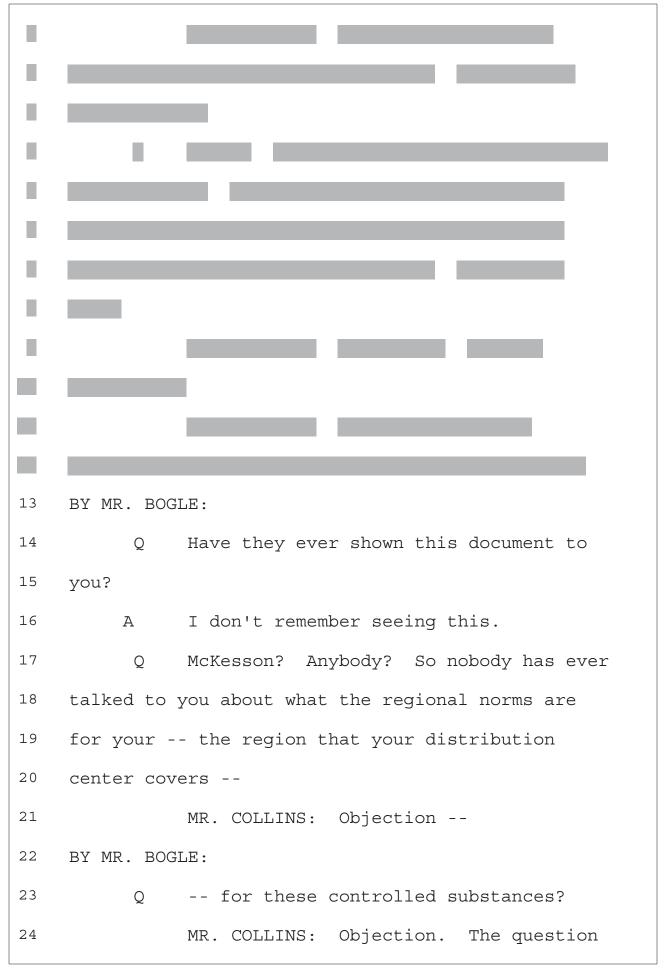
```
Okay. I'm going to hand you what I'm
1
          O
   marking as Exhibit 1.1568, as Exhibit 9.
2
               (Snider Exhibit No. 9 was marked
3
               for identification.)
4
   BY MR. BOGLE:
5
```

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Case: 1:17-md-02804-DAP Doc#: 1984-18 Filed: 07/24/19 151 of 520 PageID #: 253151 Highly Confidential Exercises





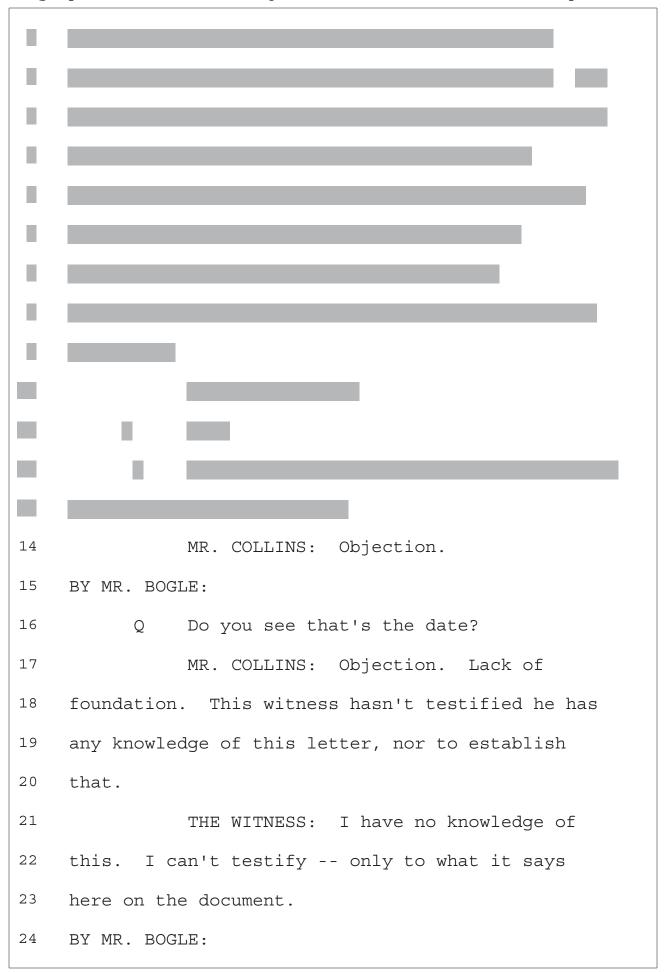
- 1 is compound and argumentative.
- THE WITNESS: No, I've never seen the
- 3 Northeast for all these DCs: Boston, New Castle,
- 4 Rockhill, Buffalo.
- 5 BY MR. BOGLE:
- 6 Q Okay. You see this is an internal
- 7 McKesson document, right?
- 8 MR. COLLINS: Objection. Lack of
- 9 foundation.
- 10 BY MR. BOGLE:
- 11 Q It says "McKesson" on it.
- 12 A I don't -- I don't have any knowledge.
- 13 Q It's got a Bates stamp produced from
- 14 defense counsel for McKesson, coming from
- 15 McKesson's files. Do you see that?
- MR. COLLINS: Objection. If you're
- 17 testifying to that, that's fine. He doesn't have
- 18 any knowledge of that.
- 19 BY MR. BOGLE:
- Q Do you see that?
- 21 A I'm sorry. Can you --
- 22 Q First of all, McKesson, you see that?
- MR. BOGLE: Can we highlight that?
- THE WITNESS: I think I'll testify that

```
I've never seen this document before.
 1
    BY MR. BOGLE:
 2
                Yeah, I'm just asking.
 3
           Q
14
                MR. COLLINS: Objection to the word
15
     "regionally."
16
    BY MR. BOGLE:
17
                When you're out there conducting reviews
    of customers, your due diligence component of --
18
    of your job, you would agree with me that
19
    assessing whether the customer has significant
20
21
    business coming from pain clinics is relevant in
22
    assessing whether to increase an opioid threshold,
23
    right?
24
                MR. COLLINS: Objection. Form,
```

1	foundation.
2	THE WITNESS: I would assess all aspects
3	of the customer.
4	BY MR. BOGLE:
5	Q Right. And specifically, whether they
6	do substantial business with pain clinics is
7	relevant to consider whether to increase an opioid
8	threshold, right?
9	A I'm not sure.

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That's where we're starting. I'm going 1 Q 2 from there. Okay. 3 Α So that's what it says, right? I'm sorry, you asked me if it was 5 Α supplied to the DEA or to -- from the DEA. I 6 7 don't know that.

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```
5
           Q
                I'm asking you a question. Okay.
                                                   Just
    listen to my question.
 6
 7
         Α
               Okay.
 8
                When McKesson DC management or
 9
    regulatory staff -- so DC management, that's you,
10
    right?
11
               MR. COLLINS: Objection. You haven't
12
    established this witness has any firsthand
    knowledge of this document.
13
14
               MR. BOGLE: That's the whole purpose is
15
    that if he doesn't, that's a big problem.
16
                MR. COLLINS: The witness has already
    testified, and you're testifying as to what the
17
    contents are. Typically it goes question and
18
    answer where you elicit information from a
19
    witness.
20
21
               MR. BOGLE: You're -- you're -- you're
22
    not even objecting. You're just talking.
23
                MR. COLLINS: No, no, because you're
```

ignoring the objection. The witness has no

24

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1	firsthand knowledge about the document.
2	BY MR. BOGLE:
1	
1	
1	
-	

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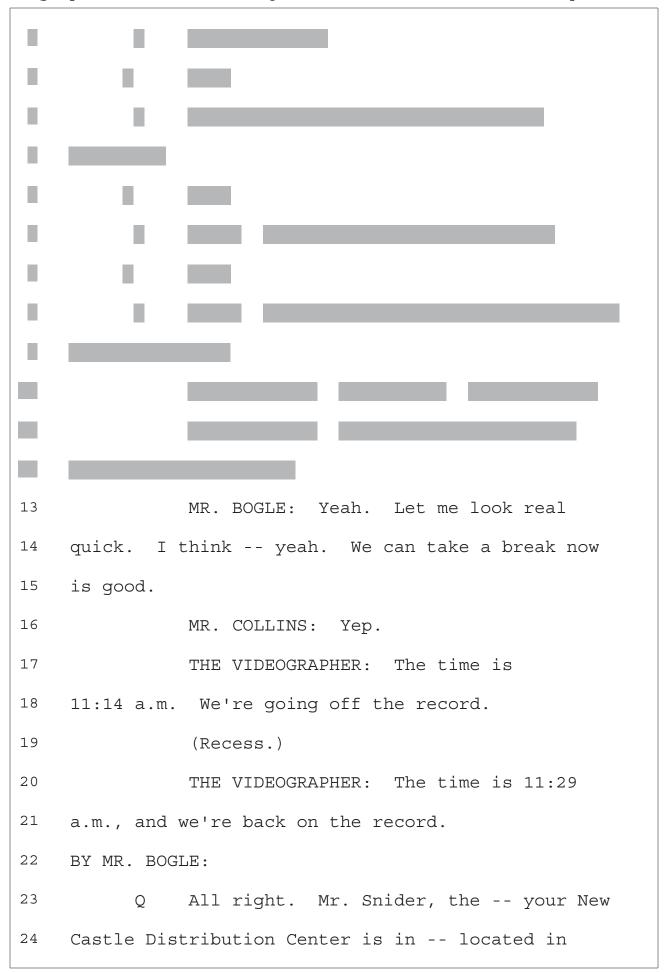


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```
Pennsylvania, right?
 1
 2
          Α
                Yes.
 3
           Q
                Okay. But you guys service customers
    outside of the state of Pennsylvania, correct?
 5
          Α
                Yeah -- oh, yes.
                For example, you service customers in
 6
           0
 7
    Ohio, right?
 8
          Α
                Yes.
 9
                You service customers in West Virginia,
10
    right?
11
          Α
                Yes.
12
                Okay. And we talked a little bit about
           Q
    the opioid epidemic earlier in your deposition,
13
14
    but you understand that West Virginia is one of
15
    the states that's been hit hardest by the opioid
16
    epidemic, right?
17
          Α
                Yes.
                And In fact, there have been
18
    congressional investigations into McKesson's
19
    conduct specific to pharmacies supplied in West
20
21
    Virginia.
22
                Do you understand that?
23
                MR. COLLINS: Objection. Form.
24
                THE WITNESS: I don't know that.
                                                    I'm
```

```
1
    sorry.
 2
    BY MR. BOGLE:
 3
           Q
                Okay. You've never been told that?
         A
                No.
 5
          Q
                Okay.
                (Snider Exhibit No. 12 was marked
 6
                for identification.)
 7
    BY MR. BOGLE:
 8
 9
                I'm going to hand you 1.44, Exhibit 12
    to your deposition.
10
11
                Okay. This is noted at the top to be
12
    from the House of Representatives, Congress of the
    United States, February 15, 2008. Do you see
13
14
    that?
15
          Α
                Yes.
16
                Okay. And it's a letter sent to
17
    Mr. John Hammergren. That's the CEO of McKesson,
    right?
18
19
                MR. COLLINS: Objection. Lack of
    foundation.
20
21
                THE WITNESS: Yes.
22
    BY MR. BOGLE:
23
           0
                Do you see where it's -- he's noted to
24
    be the recipient, "Dear Mr. Hammergren"?
```

- 1 A I would think he got it.
- 2 MR. COLLINS: Objection.
- 3 BY MR. BOGLE:
- 4 Q Do you see that this was designed to be
- 5 sent to him, right?
- 6 MR. COLLINS: Objection. The witness
- 7 has no firsthand knowledge.
- 8 THE WITNESS: I don't know anything
- 9 about this document, so I can't answer to that.
- 10 BY MR. BOGLE:
- 11 Q All right. But you see it says, "Dear
- 12 Mr. Hammergren, "right? Do you see that on the
- 13 first page?
- 14 A Yeah, I see that.
- 15 O You see that?
- 16 A Yeah.
- Q Okay. And so if you look at the first
- page of this document, it says in the second
- 19 paragraph, "As part of our investigation." Do you
- 20 see that?
- 21 A Yes.
- Q It says: "As part of our investigation,
- the Committee wrote to you on May 8, 2017,
- regarding your distribution practices generally,

- and in particular with respect to West Virginia.
- 2 As we mentioned in the letter, the opioid epidemic
- 3 has been particularly devastating to West
- 4 Virginia. For example, in 2015, West Virginia had
- 5 the highest opioid overdose death rate in the
- 6 nation."
- 7 And then it goes on, the last sentence
- 8 in that paragraph says: "Court filings also
- 9 indicate that between 2007 and 2012, McKesson
- distributed 46,179,600 doses of hydrocodone and
- 11 54,304,980 doses of oxycodone, meaning that
- 12 McKesson shipped a total of 100,484,580 doses to
- 13 West Virginia during this time period."
- 14 Have you ever seen that kind of data
- talking about the number of hydrocodone and
- oxycodone pills McKesson distributed to West
- 17 Virginia during this time frame?
- 18 A No, I haven't.
- 19 Q Okay. You know that a fair amount of
- those pills that are being referenced here came
- 21 from your distribution center, right?
- MR. COLLINS: Objection. Lack of
- 23 foundation. Lack of firsthand knowledge.
- 24 THE WITNESS: I don't know that.

```
1 BY MR. BOGLE:
```

- Q Okay. Well, you know from 2007 to 2012
- 3 that -- that the New Castle Distribution Center
- 4 was sending hydrocodone and oxycodone to
- 5 pharmacies in West Virginia, right?
- 6 A Yes.
- 7 Q Okay. So, therefore, you must present
- 8 some of this number coming from New Castle, right?
- 9 MR. COLLINS: Objection. The question
- 10 is vaque.
- 11 THE WITNESS: If I could answer that,
- the DEA has done audits on us. We've never been
- 13 found to do anything wrong. New Castle has an
- 14 exemplary record.
- MR. BOGLE: Move to strike as
- 16 nonresponsive.
- 17 BY MR. BOGLE:
- 18 Q My question simply was, of these 100
- 19 million plus doses referenced here, you know that
- 20 a portion of those came from your distribution
- 21 center --
- MR. COLLINS: Objection.
- 23 BY MR. BOGLE:
- Q -- during this time frame, correct?

- 1 MR. COLLINS: The question was asked and
- 2 answered last -- a moment ago.
- 3 BY MR. BOGLE:
- 4 Q Correct?
- 5 MR. COLLINS: Same -- same objection.
- 6 Asked and answered.
- 7 THE WITNESS: A -- a portion probably
- 8 did.
- 9 BY MR. BOGLE:
- 10 Q Well, you know they did, right? From
- 11 2007 to 2012, you know that the New Castle
- 12 Distribution Center was servicing West Virginia
- 13 pharmacies, right? So it has to be part of this
- 14 number, true?
- MR. COLLINS: Objection.
- 16 BY MR. BOGLE:
- 17 O You know that.
- MR. COLLINS: Objection. The question
- 19 is compound three different ways. It's
- 20 argumentative. It's been asked and answered.
- 21 BY MR. BOGLE:
- 22 Q You know that, don't you?
- MR. COLLINS: Objection. Form.
- 24 THE WITNESS: I've never seen this

1	document. And we do have customers in West
2	Virginia.
3	BY MR. BOGLE:
4	Q Okay. But you know that okay. I
5	think the document speaks for itself.
ı.	
1	
1	
1	
_	
_	
_	

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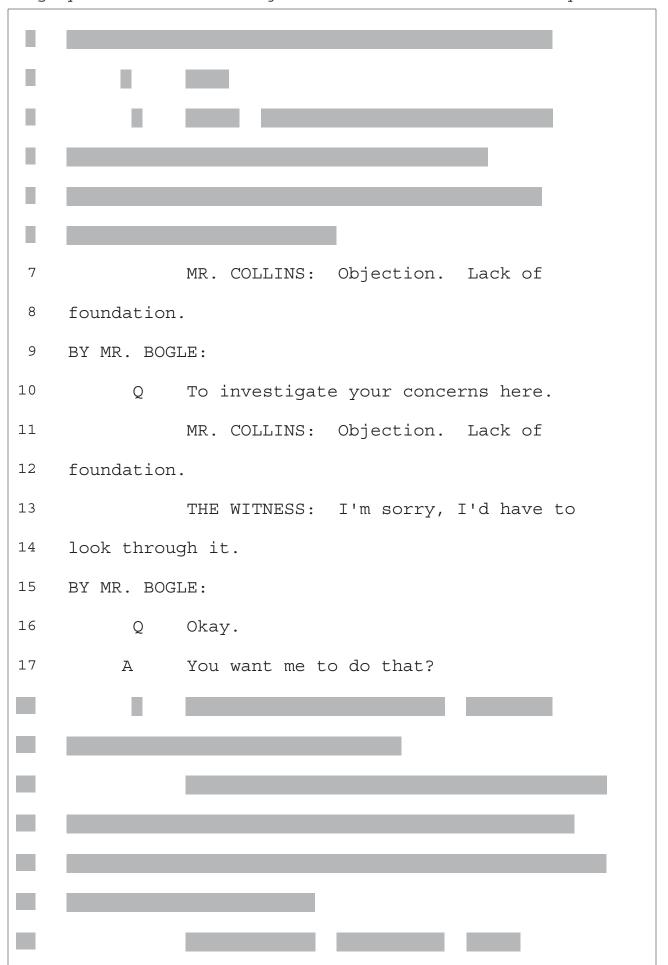
```
litigation, though, didn't you?
 1
 2
         Α
               Yes.
               Okay. All right. I'm going to hand
    you -- marking as Exhibit 13, also Exhibit 1.1824.
 5
                (Snider Exhibit No. 13 was marked
                for identification.)
 6
 7
    BY MR. BOGLE:
 8
               Okay. And you see this is a document;
 9
    the first page entitled "Mace's Pharmacy"; do you
10
    see that?
11
         Α
               Yes.
12
               Okay. Thereafter, this is all provided
           Q
13
    to us as one document.
14
                Does this look like your file from
    Mace's Pharmacy for 2008 to 2010?
15
16
                MR. COLLINS: Objection.
17
                THE WITNESS: I don't know all of it.
18
    BY MR. BOGLE:
             You don't -- excuse me?
19
          0
            I don't know all of it. I haven't seen
20
         Α
21
    it yet.
22
               Okay. Let's take a look at it.
23
         Α
                I'd have to go through them.
24
               Okay. Let's take a look at it. First
          Q
```

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Okay. And Brian Ferreira, I think you 1 O said was vice president/general manager? 2 3 Α Yes. What sort of oversight did Brian Ferreira provide for you? 5 He was in charge of the distribution 6 center over all the operations, my boss, and Jim 7 8 reported to him directly. Reported to him, you said? 9 10 Α Yeah.



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```
Is that something you guys would look at
 1
           0
 2
    back in 2008 when evaluating a request like this?
 3
          Α
                I can't --
                MR. COLLINS: Object -- objection to the
 5
    term we -- "you would look at."
 6
    BY MR. BOGLE:
 7
           0
                Would you?
          Α
 8
                No, I don't know.
 9
          Q
                Okay.
10
          Α
                I can't speculate on that.
11
                Okay. So if, for example, the city of
           Q
12
    Philippi, West Virginia, had fewer than 3,000
    people in it around this time frame, would that
13
    raise concerns to you about how much hydrocodone
14
    you're giving this company -- this pharmacy?
15
16
                MR. COLLINS: Objection. Assumes facts
    not in evidence, lack of foundation.
17
18
                MR. BOGLE: Let's put it into evidence.
19
    Exhibit 14, 1.1892.
20
                (Snider Exhibit No. 14 was marked
21
                for identification.)
22
    BY MR. BOGLE:
23
           0
                Here is the Census Bureau data for
24
    Philippi, West Virginia, from 2010. Do you see
```

```
there's a total population there noted to be 2,966
 1
    people in 2010?
 2
 3
                MR. COLLINS: Objection. Lack of
    foundation. You haven't established this witness
 5
    has any knowledge of this.
 6
                MR. BOGLE: I think that's the problem.
 7
    BY MR. BOGLE:
 8
                Do you not -- did you not know that?
          Q
 9
         Α
                I did not --
10
                MR. COLLINS: Object --
11
                THE WITNESS: Sorry.
12
                MR. COLLINS: I'm sorry. Please let me
    object.
13
14
                Argumentative. Object to the theatrics.
15
                THE WITNESS: I did not know there were
    2,966 people in the Philippi -- is that the whole
16
    area or is that just the town?
17
    BY MR. BOGLE:
18
19
                It's the city.
          Q
20
         Α
               Okay.
21
               You didn't know that.
          O
22
         Α
                No.
```

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- MR. BOGLE: We don't need to stay on the
- 2 record. If he wants time to look at it, he can,
- but don't stay on the record. There's no such
- 4 requirement.
- 5 MR. COLLINS: Well, listen, to go off
- 6 the record, you need an agreement. So if you want
- 7 to have him start leafing through documents, we're
- 8 staying on the record.
- 9 MR. BOGLE: Okay. That's fine. We'll
- 10 do that.
- 11 BY MR. BOGLE:
- 12 Q You can't point me to anything that
- shows that you requested any prescription data,
- 14 can you?
- MR. COLLINS: He just asked to go
- 16 through documents. You want him to go through
- 17 documents --
- MR. BOGLE: He's not going to blow
- 19 through hours of my time looking at something that
- 20 he should already be familiar with.
- MR. COLLINS: Well, no, he -- this isn't
- 22 a 30(b)(6) deposition.
- MR. BOGLE: Doesn't have to be.
- MR. COLLINS: This is in his personal

```
capacity. So, listen, if you want him to look
 1
    through documents, he will do it for you, but it's
 2
 3
    on your time.
 4
                Take as much time as you want.
 5
                THE WITNESS: (Peruses document.)
    BY MR. BOGLE:
 6
                We're in December 2009.
 7
           0
 8
          Α
                (Peruses document.)
 9
                On the questionnaire on page .13, Dale
10
    reviewed the scripts.
11
           Q
                .13?
12
          Α
                Yes.
13
           Q
                So that's from June 2007, right?
14
          Α
                Yes.
15
                Okay. We're talking about December
           Q
16
    2009.
17
          А
                Oh.
                And a specific increase that they're
18
    saying -- in request in December 2009.
19
20
                (Peruses document.)
          Α
21
                All right. I've got too many documents
22
    to go through. I'll strike the question and keep
23
    going.
24
                Let's look at page .84.
```

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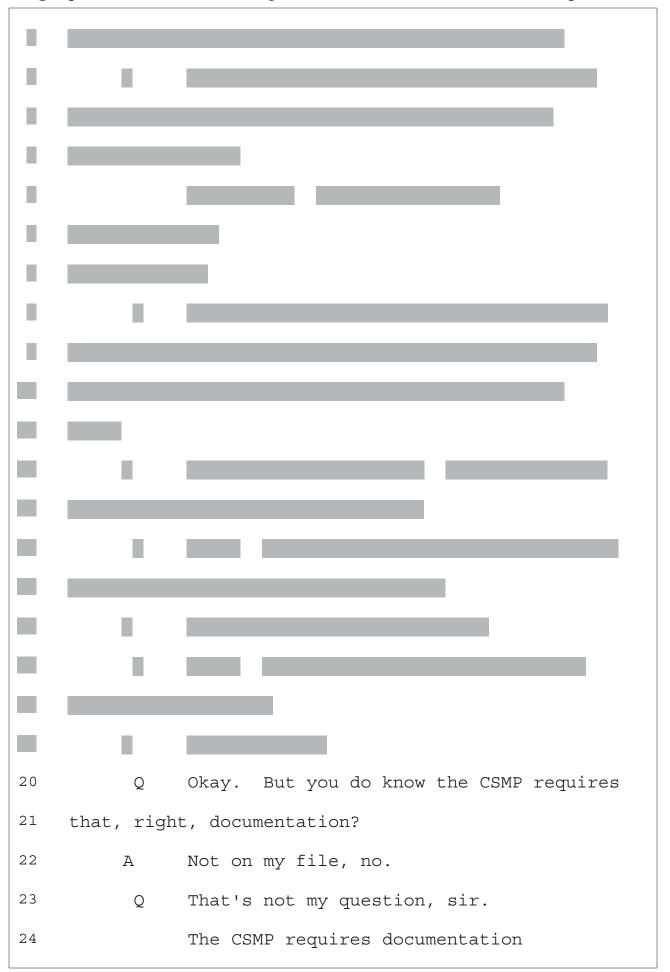


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- 1 supporting any change made to a threshold based on
- business growth, right?
- MR. COLLINS: Objection. Assumes facts
- 4 not in evidence.
- 5 BY MR. BOGLE:
- 6 Q We just looked at this a few minutes
- 7 ago.
- 8 MR. COLLINS: Objection. Show it to him
- 9 again.
- 10 BY MR. BOGLE:
- 11 Q You don't recall that?
- 12 A I'm sorry. I don't -- you'll have to
- 13 repeat the question.
- 14 Q My question was, to support a threshold
- change based on business growth, supporting
- documentation is required under the CSMP, right?
- MR. COLLINS: Objection. Assumes --
- 18 BY MR. BOGLE:
- 19 Q As of 10/2010?
- MR. COLLINS: Objection. Assumes facts
- 21 not in evidence.
- THE WITNESS: I don't know that that
- wasn't provided.
- 24 BY MR. BOGLE:

```
Not my question, sir. That was
 1
           Q
    required, wasn't it?
 2
                MR. COLLINS: Objection. Form.
 3
    BY MR. BOGLE:
 5
           Q
                Yes or no?
                MR. COLLINS: Objection.
 6
 7
    BY MR. BOGLE:
 8
           Q
                Or you don't know?
                MR. COLLINS: Objection to form.
 9
10
                THE WITNESS: I don't know.
                Okay. So in the McKesson files that
22
           Q
    have been produced to us pertaining to this
23
    increase, we should find some supporting
24
```

- 1 documentation if the CSMP was followed, right?
- 2 I'm not saying in your files or whose files. It
- 3 should be in somebody's files.
- 4 A I don't know that.
- 5 Q You don't know.
- 6 A I can't testify to what's in their
- 7 files.
- 8 Q I didn't ask -- I didn't say "is it." I
- 9 said "should it be."
- 10 A I can't --
- MR. COLLINS: Objection. Calls for a
- 12 legal conclusion.
- THE WITNESS: I can't testify. It was
- 14 electronic.
- 15 BY MR. BOGLE:
- Q Okay. Was there a policy at McKesson in
- 17 2010 to destroy evidence of due diligence review?
- MR. COLLINS: Objection. Argumentative.
- 19 Object to the theatrics.
- 20 BY MR. BOGLE:
- 21 Q There's a question.
- 22 A Can you repeat the question?
- Q Was there a policy written or unwritten
- 24 at McKesson in October 2010 to destroy evidence of

due diligence review? 1 MR. COLLINS: Object to the theatrics 2 3 and the argument. 4 THE WITNESS: No. 5 BY MR. BOGLE: Okay. Target, that's another -- that's 6 7 another large customer for McKesson over time, 8 right? 9 MR. COLLINS: Objection. Form, vague. THE WITNESS: They aren't our customer 10 11 anymore. 12 BY MR. BOGLE: 13 Okay. Back in 2008, they were, right? Q 14 A I would -- I would think, yes. 15 Okay. Let's take a look at Exhibit 15, O 16 which is 1.1782. 17 (Snider Exhibit No. 15 was marked 18 for identification.)

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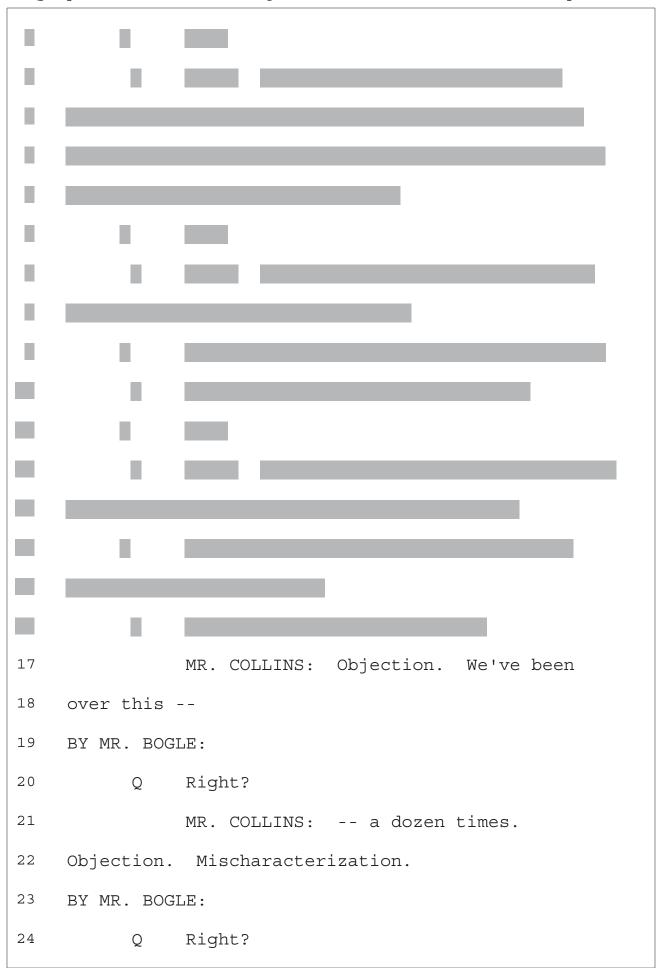


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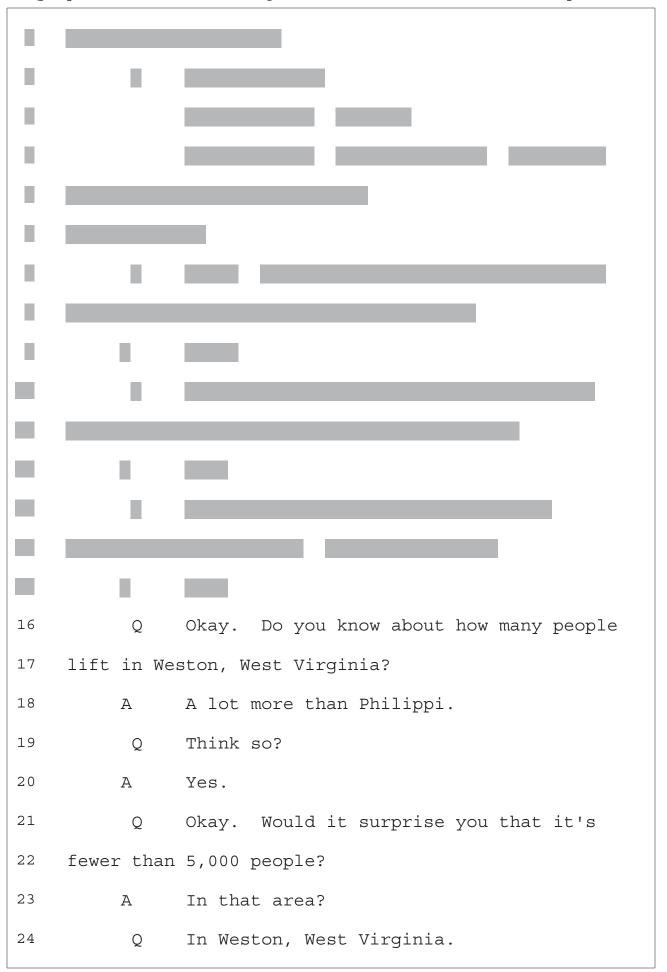
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```
A
               Yes.
 1
                That would surprise you?
 2
 3
         Α
                Yes.
                (Snider Exhibit No. 17 was marked
 5
                for identification.)
    BY MR. BOGLE:
 6
 7
             I hand you Exhibit 1.1909 marked as
    Exhibit 17.
 8
 9
                It says: "Population data for Weston,
10
    West Virginia, " indicated to have a population of
11
    4,085 people. Do you see that?
12
                MR. COLLINS: Objection. Lack of
    foundation, lack of authentication, lack of
13
14
    knowledge.
15
                THE WITNESS: What year is this, please?
16
    BY MR. BOGLE:
17
                This is the current data.
                MR. COLLINS: Yeah, I mean -- it's the
18
19
    internet, it's accurate.
20
                THE WITNESS: What's that?
21
                MR. BOGLE: Well, I'm sure you guys are
22
    going to produce census data that shows otherwise,
23
    so we'll just wait to see that.
24
                MR. COLLINS: I'll withdraw my
```

```
objection.
 1
 2
                MR. BOGLE: I would hope so.
 3
                MR. COLLINS: It's a lack of foundation,
    lack of knowledge.
    BY MR. BOGLE:
 5
               4,085 people, right? That's what it
 6
          0
 7
    says.
 8
         Α
                That's what it says right here.
 9
                Right. That's wrong; is that your
10
    testimony?
11
                MR. COLLINS: Objection. Lack of
12
    foundation. You haven't established the witness
    has any knowledge about this issue.
13
14
                MR. BOGLE: Well, he said he thought it
15
    was wrong.
16
                THE WITNESS: I said I was surprised,
17
    and I am. I'm sorry.
    BY MR. BOGLE:
18
19
          Q You're surprised?
20
         Α
                Yes.
```

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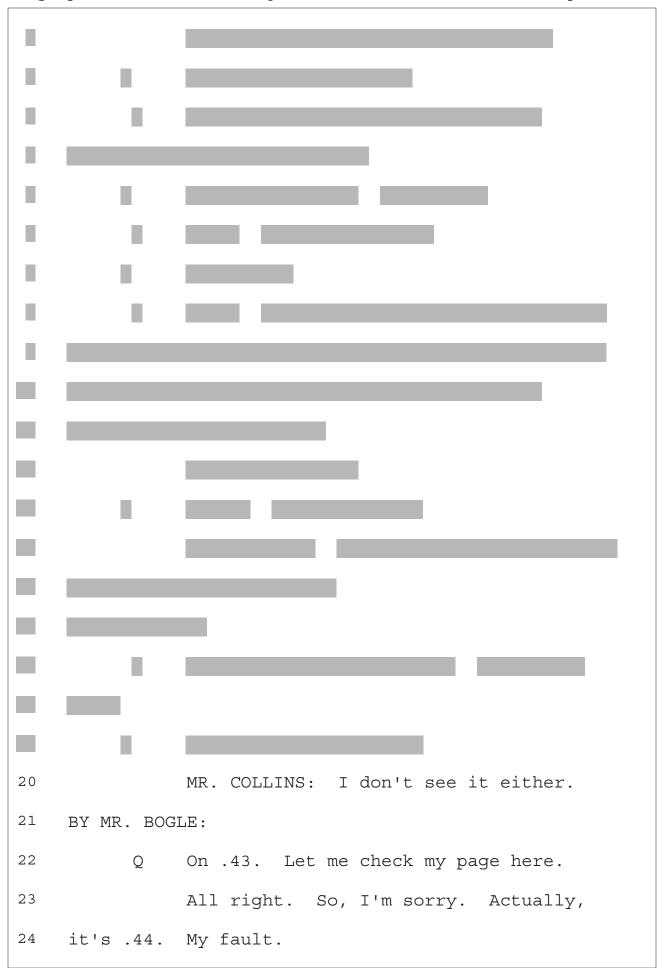


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Case: 1:17-md-02804-DAP Doc#: 1984-18 Filed: 07/24/19 237 of 520 PageID #: 253237 Highly Confidential Every Review







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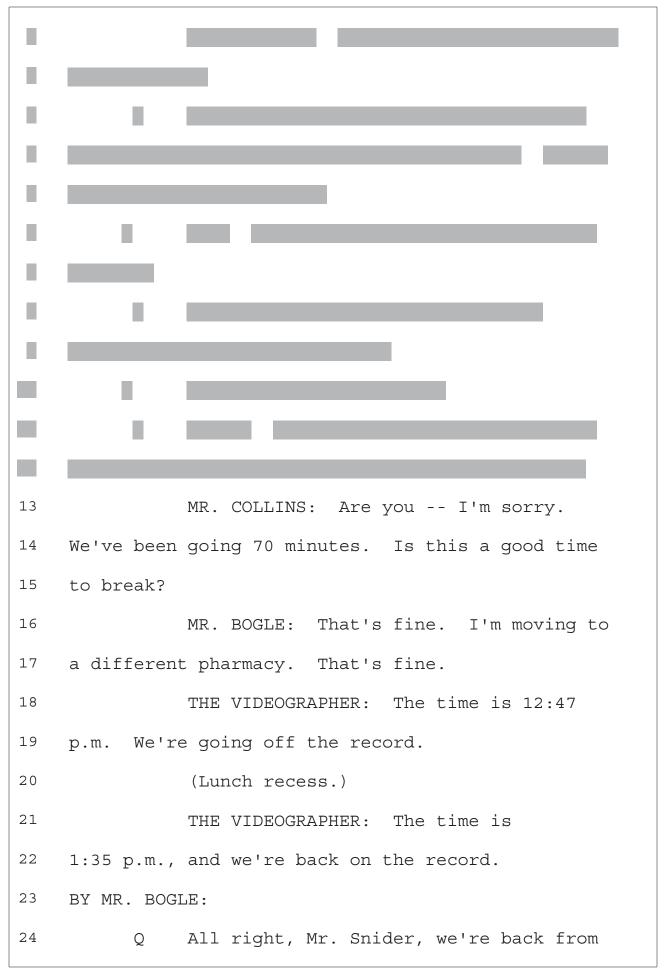


Case: 1:17-md-02804-DAP Doc#: 1984-18 Filed: 07/24/19 264 of 520 PageID#: 253264 Highly Confidential#: 253264 Further Confidential#: Review



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```
All right. Now, Lumberport, you
 5
    understand that's another very small city, right?
 6
                MR. COLLINS: Objection.
 7
    BY MR. BOGLE:
 8
                In West Virginia.
           Q
 9
                MR. COLLINS: Objection to form.
10
                THE WITNESS: I don't remember.
11
    BY MR. BOGLE:
12
           Q
                Okay. Have you ever been to Lumberport?
13
         Α
                No, I don't remember being there.
14
          Q
                Okay.
                (Snider Exhibit No. 19 was marked
15
16
                for identification.)
17
    BY MR. BOGLE:
                I hand you Exhibit 19.
18
19
                Actually, let me ask you this: If the
    census data indicated there were fewer than a
20
21
    thousand people living in Lumberport, would you
22
    have reason to dispute that?
23
                MR. COLLINS: Again, foundation.
24
                THE WITNESS: I wouldn't know. I'd have
```

- 1 no reason to dispute it.
- 2 BY MR. BOGLE:
- Q Okay. Let's just take a look real quick
- 4 then. Exhibit 19, also marked as 1.1908, is what
- 5 I'm handing you.
- 6 All right. It's another printout with
- 7 population and other data. You see it's for
- 8 Lumberport, West Virginia?
- 9 A Yes, I see.
- 10 Q And this is the most current data that I
- was able to obtain. The population noted here for
- 12 Lumberport is 881 people. Do you see that?
- 13 A Yes.
- 14 Q Okay. Do you have any specific
- knowledge that would contradict that being the
- 16 most current population data for Lumberport?
- MR. COLLINS: Objection. Foundation.
- THE WITNESS: I don't have any knowledge
- of the surrounding area of Lumberport.
- 20 BY MR. BOGLE:
- Q Okay. All right. So let's go back to
- 22 Exhibit 1.1821, and I want to specifically look at
- 23 .19 is the page.
- 24 A Can you give me that exhibit again?

```
It's 1.1821, the page is .19. The page
 1
           Q
     should look like this (indicating).
 2
 3
                MR. COLLINS: He's referring to the
     numbers at the top.
 5
                THE WITNESS: Oh, 1821.19, okay.
 6
     BY MR. BOGLE:
 7
                Yeah.
           Q
 8
          Α
                Thank you.
                Are you at that page?
 9
           Q
10
          Α
                Yes.
```

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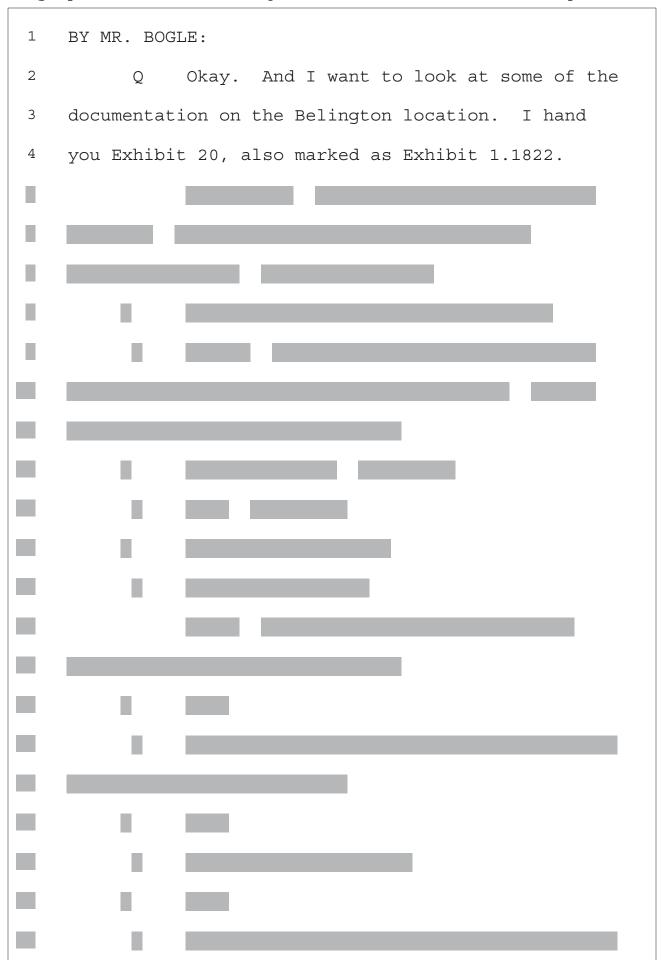
Case: 1:17-md-02804-DAP Doc#: 1984-18 Filed: 07/24/19 284 of 520 PageID#: 253284 Highly Confidential#: 253284 Further Confidential#: Review



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1	
1	
12	A Yes, I do.
13	Q Okay. And Belington, West Virginia, do
14	you know anything about the population for that
15	city?
16	A No, I don't. I don't. I don't think I
17	remember being there.
18	Q Okay. Any reason to dispute they have
19	about 2,000 people in Belington, West Virginia?
20	MR. COLLINS: Objection. Foundation.
21	THE WITNESS: I wouldn't dispute that.
22	I don't know.
23	(Snider Exhibit No. 20 was marked
24	for identification.)



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```
1
          0
                Huh?
                I didn't produce it. I don't know.
 2
                I'm just asking you if you see the
 3
          0
    police report in this packet related to this
 5
    pharmacy.
 6
                MR. COLLINS: Objection. Argumentative.
 7
                THE WITNESS: I don't see it in here.
    BY MR. BOGLE:
 8
 9
                Okay. Are you aware that ultimately one
10
    of the owners of Best Care was prosecuted for
    illegally diverting opioids?
11
12
                I am aware that an owner of Best Care
         A
13
    was prosecuted, and we cut them off.
14
                Well, you're aware that there was a --
    there was an arrest and a prosecution for one of
15
16
    the owners of Best Care for diversion of opioid
    products, right?
17
18
                MR. COLLINS: Objection. Foundation.
19
                THE WITNESS: I was aware that he was
    arrested. That's all.
20
21
                (Snider Exhibit No. 21 was marked
22
                for identification.)
```

BY MR. BOGLE:

Q Okay. Let me hand you 1.1251,

- 1 Exhibit 21.
- This is a news release from the U.S.
- Department of Justice, June 3rd, 2014, titled
- 4 "Pharmacist charged with illegal distribution of
- 5 painkillers."
- 6 Do you see that?
- 7 A Yes.
- 8 Q Have you ever seen this press release
- 9 related to Best Care?
- 10 A No, I haven't.
- 11 Q Okay. How did you become aware of the
- 12 arrest then?
- 13 A I don't remember. Probably the DRA.
- Q Okay. And if you look in the press
- 15 release, it says: "A West Virginia pharmacist has
- been indicted on charges that he dispensed
- 17 prescription painkillers outside the scope of his
- 18 professional practice."
- And then it says: "United States
- 20 Attorney William Ihlenfeld, II, announced that
- 21 Mario Blount, 51, of Bridgeport, West Virginia,
- was arrested this morning on charges of conspiracy
- to possess and distribute Schedule II controlled
- 24 substances, distribution of oxycodone and a

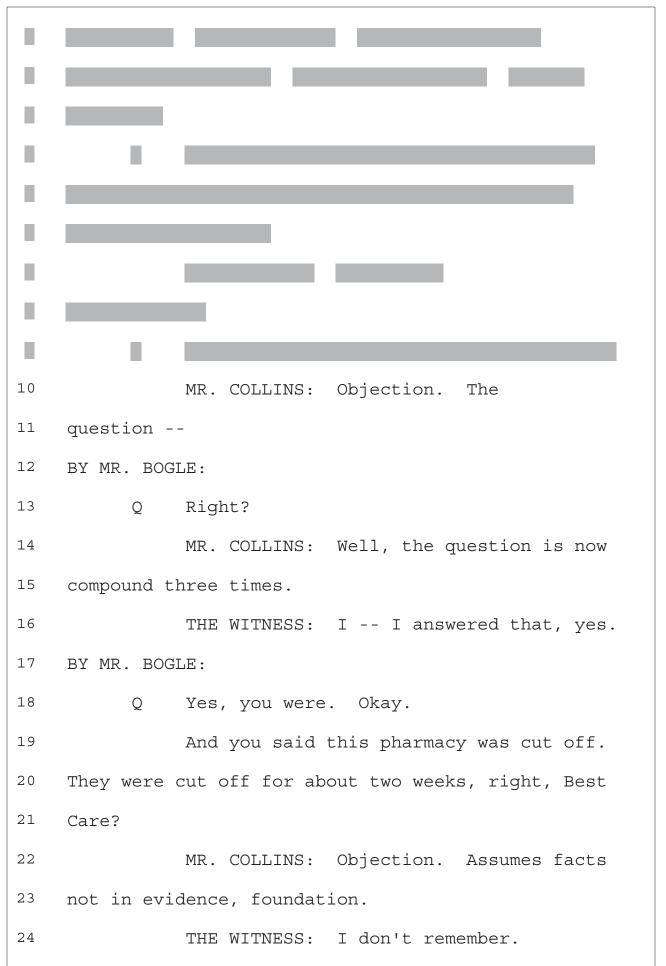
```
failure to report the filling of a prescription."
 1
 2
                Do you see that?
          Α
 3
                Yes.
                And it says: "Blount, who was employed
 5
    by Best Care Pharmacy, is alleged to have
 6
    conspired with two other individuals over the last
 7
    three years to distribute prescription painkillers
     for non-legitimate medical purposes."
 8
 9
                Do you see that reference?
10
          Α
                Yes.
11
                Okay. And skip a paragraph, the next
           Q
12
    one says: "The Greater Harrison County Drug Task
13
    Force executed search warrants in October 2013 at
14
    Best Care Pharmacy locations in the West Virginia
15
     towns of Bridgeport, Lumberport and Belington."
16
                Do you see that?
17
          Α
                Yes.
                And that's the three facilities we've
18
19
    just been looking at over the last hour or so,
20
    right?
21
          A
                Yes.
22
                And then the last paragraph on this page
23
           "Mr. Blount abused the trust of the
24
    citizens of Bridgeport and the customers of Best
```

- 1 Care Pharmacy. These arrests serve as a warning
- that the illicit distribution of controlled
- 3 substances will not be tolerated in Harrison
- 4 County, said Karl C. Colder, Special Agent in
- 5 Charge, Drug Enforcement Administration,
- 6 Washington, D.C. Field Division. Over
- 7 approximately three years, Mr. Blount illegally
- 8 dispensed over 11,000 oxycodone and oxymorphone
- 9 pills."
- Do you see that?
- 11 A I see that, yes.
- 12 Q And you know McKesson was the supplier
- of those pills, right?
- MR. COLLINS: Objection. Assumes facts
- 15 not in evidence, foundation.
- 16 THE WITNESS: I don't know that.
- 17 BY MR. BOGLE:
- 18 Q Well, your New Castle facility was
- 19 supplying Best Care with those very drugs during
- 20 that very time period, right?
- MR. COLLINS: Objection. Argumentative,
- 22 assumes facts not in evidence.
- THE WITNESS: I don't know that.
- 24 BY MR. BOGLE:

You don't know if you were supplying 1 0 2 them? 3 Α No. MR. COLLINS: Objection. 5 BY MR. BOGLE: You don't know if Best Care Pharmacy was 6 a customer of yours for 2010 to 2014? 7 8 MR. COLLINS: Objection. Argumentative. 9 BY MR. BOGLE: I'm just asking if you know or not. 10 Q MR. COLLINS: Objection. You just asked 11 the same -- you've asked the same question two or 12 13 three times. 14 THE WITNESS: I don't know. 15 BY MR. BOGLE: 16 You don't know?

- 1 MR. COLLINS: Objection. Assumes facts
- 2 not in evidence. The question is compound.
- THE WITNESS: I don't -- I don't know
- 4 that. He could have other wholesalers. I don't
- 5 know that.
- 6 BY MR. BOGLE:
- 7 Q You don't even know if he had other
- 8 wholesalers?
- 9 A I don't remember that, no.
- 10 Q Okay.
- 11 A No.
- 12 Q Isn't that something you would need --
- that you would want to know?
- MR. COLLINS: Objection. Calls for a
- 15 legal conclusion, argumentative.
- 16 THE WITNESS: I would want the director
- of Regulatory Affairs to know that.
- 18 BY MR. BOGLE:
- 19 Q You would want him to know that. It's
- okay, as the guy who is responsible for making
- 21 sure that the New Castle isn't involved in
- diversion, you don't care if you know that or not?
- MR. COLLINS: Objection. Argumentative.
- Object to the theatrics.

1	THE WITNESS: Can you restate the
2	question, if you want?
3	BY MR. BOGLE:
4	Q Well, I don't think there's anything
5	wrong with that question.
6	MR. COLLINS: Objection. It's
7	THE WITNESS: Can you repeat it then?
8	BY MR. BOGLE:
9	Q Yeah.



```
BY MR. BOGLE:
 1
          Q You don't remember?
 2
         A No.
 3
          O
              Okay.
 5
         A That would be the director of Regulatory
   Affairs.
 6
 7
              Well, the pills come out of your
8
    facility, right?
 9
               MR. COLLINS: Objection.
10
               THE WITNESS: I don't know that. I
11
   answered to that.
12
    BY MR. BOGLE:
13
          Q Does -- does Regulatory Affairs run your
14
    facility?
               MR. COLLINS: Objection. Form.
15
                                                The
16
    question is vague.
    BY MR. BOGLE:
17
               I mean, do you defer all responsibility
18
    for the pills that go out of New Castle to
19
    Regulatory Affairs?
20
21
               MR. COLLINS: Objection. Argumentative.
22
               THE WITNESS: No.
23
    BY MR. BOGLE:
24
          Q Okay. Because that's -- it's your job,
```

```
right?
 1
 2
                MR. COLLINS: Objection.
 3
                THE WITNESS: What's my job, please?
    I'm not sure --
 5
    BY MR. BOGLE:
 6
                To know what's leaving your facility and
    to whom it's going to and whether they can be
 7
 8
    trusted.
 9
          Α
                I didn't --
10
                MR. COLLINS: Objection. The question
    is compound, it's vague, calls for a legal
11
12
    conclusion, lacks foundation.
    BY MR. BOGLE:
13
14
                I think it's a good question, so go
15
    ahead.
16
                MR. COLLINS: My objections stand.
17
                THE WITNESS: I stand by my record and
18
    what I do at the facility.
    BY MR. BOGLE:
19
20
                That's -- that's not my question, sir.
           0
21
                That's the best I can answer.
22
           Q
                My question is, is it your testimony
23
    that your responsibilities as director of
```

operations at New Castle does not include knowing

24

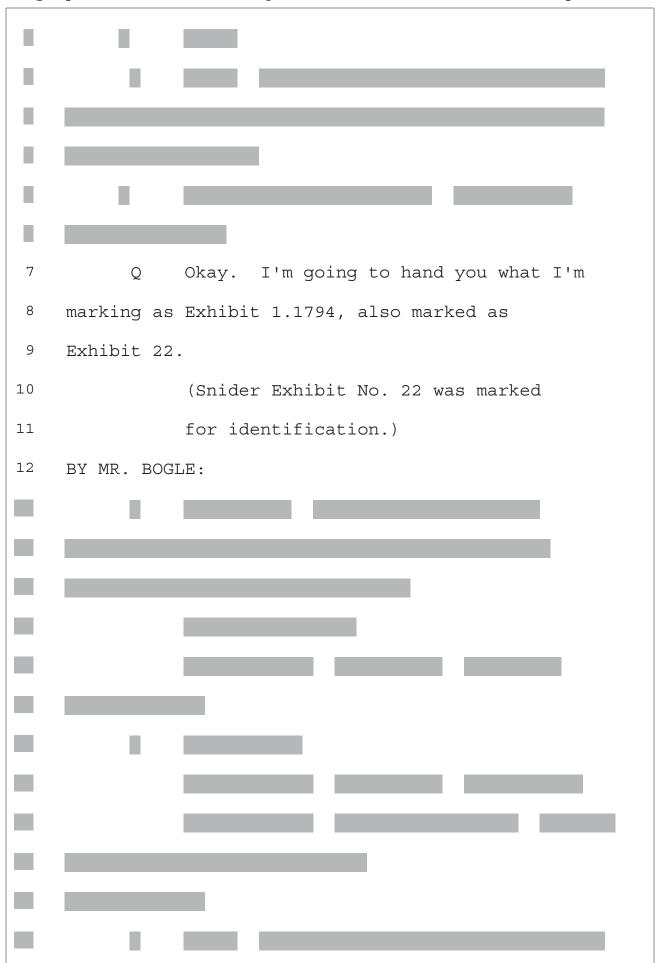
1	who you're selling to and what purpose they're
2	using those pills for?
3	MR. COLLINS: Objection. Argumentative,
4	compound, vague, calls for a legal conclusion.
5	THE WITNESS: Can you repeat the
6	question?
7	BY MR. BOGLE:
_	
_	

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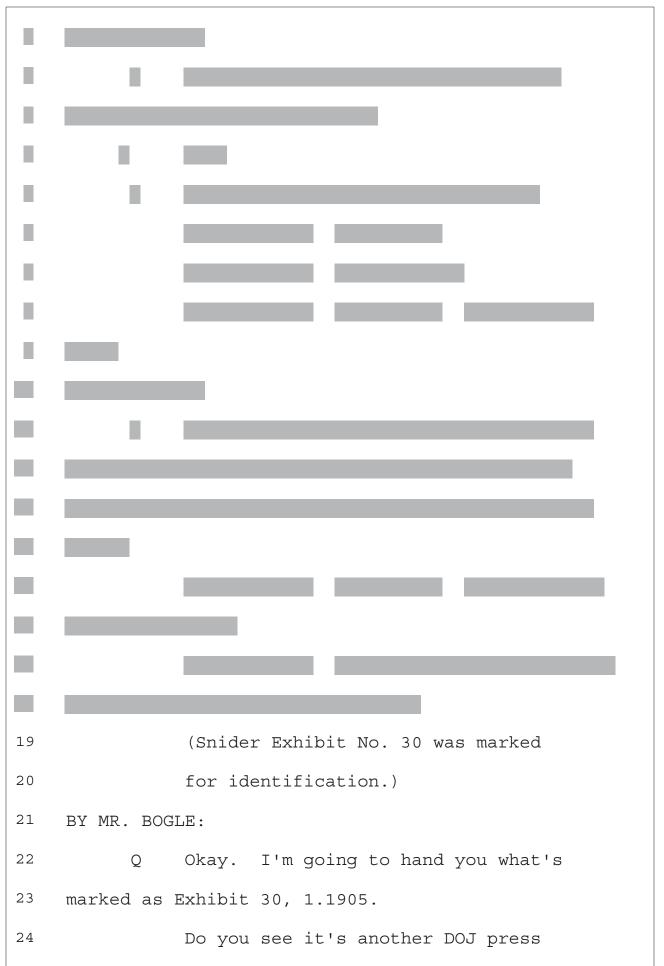


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- 1 release from November 2nd, 2018, just a few days
- 2 ago. And the title is "Johnstown pharmacist
- 3 charged with -- charged in 109-count indictment
- 4 with illegally creating bogus prescriptions and
- 5 then dispensing the drugs."
- Do you see that title?
- 7 A Yes, I do.
- 8 Q Okay. Thereafter it says: "A
- 9 Johnstown, PA, pharmacist has been indicted by a
- 10 federal grand jury in Pittsburgh on charges of
- dispensing and distributing controlled substances
- 12 and conspiring to distribute and dispense
- controlled substances, by United States Attorney
- 14 Scott W. Brady announced today."
- Then it says: "The 109-count indictment
- returned on October 30th named Joseph M. Martella,
- 17 53, of Johnstown, Pennsylvania."
- Then it says: "According to the
- indictment presented to the court, Martella owned
- and operated Martella's Pharmacy located on
- 21 Franklin Street in Johnstown. The indictment
- 22 alleges that Martella, a pharmacist, conspired
- with Dr. Peter James Ridella, who previously
- 24 pleaded guilty, and with an individual known as JR

to create and submit unlawful prescriptions for 1 oxycodone; oxycodone and acetaminophen, also known 2 as Percocet; oxymorphone, also known as Opana; 3 morphine sulfate, also known MS Contin; and hydrocodone and acetaminophen, also known as 5 Vicodin, and then unlawfully dispensed those 6 controlled substances to other persons." 7 8 Do you see that? 9 I see that, yeah.

```
8
          Q
                Okay.
                (Snider Exhibit No. 31 was marked
 9
10
                for identification.)
11
    BY MR. BOGLE:
12
                I'm handing you Exhibit 31 to your
    deposition, 1.1904.
13
14
                This is the actual indictment for
    Martella's. And if you look to the point I just
15
16
    asked you about the covered period for this
    conduct, on page 10, do you see the paragraph
17
    starts there "From in and around"?
18
                MR. COLLINS: I'm sorry. Can I have a
19
    proffer as to the relevance of this? It certainly
20
21
    doesn't involve Summit County, it doesn't involve
22
    Cuyahoga County, it doesn't involve the cities of
23
    Cleveland or Canton. Can I have a proffer as to
24
    the relevance?
```

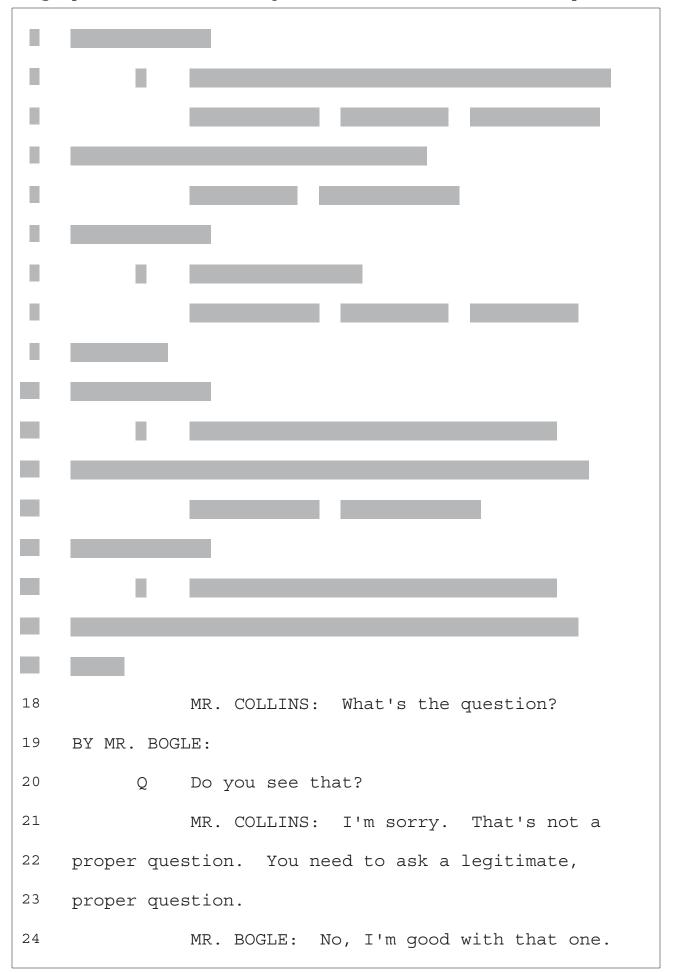
1 MR. BOGLE: No. 2 MR. COLLINS: Okay. 3 MR. BOGLE: You're entitled to nothing of the sort. 5 MR. COLLINS: Okay. Well --BY MR. BOGLE: 6 7 "From in and around April 2011 and 0 8 continuing thereafter to in and around June 2016 in the Western District of Pennsylvania, the 9 Defendant Joseph M. Martella," and it goes on to 10 repeat sort of the allegations I talked about as 11 12 far as the diversion of controlled substances, including opioids. 13 14 Do you see that? 15 Α Yes, I see it.

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```
BY MR. BOGLE:
 1
               Do you see that?
 2
          Q
 3
               MR. COLLINS: See what?
    BY MR. BOGLE:
 5
          0
               See that in the indictment? The covered
 6
    period was just a few months after the threshold
 7
    that you said you upped.
 8
               MR. COLLINS: Objection.
    Mischaracterization.
 9
10
    BY MR. BOGLE:
               For hydrocodone and methadone for this
11
12
    pharmacy.
               MR. COLLINS: Objection. The question
13
14
    is compound. It's also argumentative.
15
                THE WITNESS: I see what it says now.
16
               MR. BOGLE: I'm moving to a whole other
    topic area. If we can take a break, and we'll
17
    reload documents.
18
19
               THE VIDEOGRAPHER: The time is 2:47 p.m.
20
    We're going off the record.
21
                (Recess.)
22
                THE VIDEOGRAPHER: The time is 3:03 p.m.
    We're back on the record.
23
```

BY MR. BOGLE:

24

- 1 Q All right. Mr. Snider, I want to shift
- 2 gears to a different topic area.
- We talked about earlier that Ohio was
- 4 one of the states that customers -- that your New
- 5 Castle Distribution Center services, right?
- 6 A Yes.
- 7 Q And you know that Ohio in recent years
- 8 has had a high level of abuse and diversion of
- 9 opioids within that state, right?
- MR. COLLINS: Objection. Form.
- 11 Foundation.
- 12 THE WITNESS: I know it's in the papers,
- 13 yes.
- 14 BY MR. BOGLE:
- Q Okay. And you've read those stats,
- 16 right?
- 17 A Yes.
- 18 Q On that topic.
- MR. COLLINS: Objection. Form.
- THE WITNESS: Yeah.
- 21 BY MR. BOGLE:
- Q Okay. I want to hand you what I'm
- marking as Exhibit 1.1434, so Exhibit 32.
- 24 (Snider Exhibit No. 32 was marked

```
for identification.)
 1
 2
    BY MR. BOGLE:
                Okay. So that's a meeting you would
18
           Q
    have attended, right?
19
20
          Α
                What year is it?
                MR. COLLINS: Objection.
21
22
    BY MR. BOGLE:
23
           Q
                2014.
24
                MR. COLLINS: Objection. Form.
```

- THE WITNESS: I don't know if I attended
- 2 that one.
- 3 BY MR. BOGLE:
- 4 Q Okay. Is that a meeting you generally
- 5 would attend?
- 6 A Normally, I do. I'm not sure, in 2014,
- 7 I was exempted because I believe I was -- that's
- 8 when I was putting up a new distribution center in
- 9 Delran.
- 10 Q Okay. Would you have -- if you did not
- 11 attend this specific session, would you generally
- 12 have requested the materials that were passed
- 13 out --
- MR. COLLINS: Objection.
- 15 BY MR. BOGLE:
- 16 Q -- so you could catch up to speed?
- MR. COLLINS: Objection. Form.
- 18 THE WITNESS: I certainly would think
- 19 so, yes.
- 20 BY MR. BOGLE:
- Q Okay. So I want to look at the -- just
- one slide from this PowerPoint deck that was
- presented in 2014. If you go to page .13.
- Do you see there is a slide titled

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- 1 A Yes.
- Q Okay. So does this jog your memory at
- 3 all about any discussions about Summit Pain
- 4 Specialists?
- 5 A No. I don't even know if we put them on
- 6 as a customer, and I don't know Kim Diemand or
- 7 Steve Kravec was a sales exec. I don't really
- 8 know him very well.
- 9 Q Okay. And you said Acme Pharmacy
- doesn't ring a bell for you either, huh?
- 11 A No, I'm sorry.
- 12 Q Okay.
- 13 A We don't have them now, I know that.
- 14 Q I agree with that.
- 15 (Snider Exhibit No. 35 was marked
- for identification.)
- 17 BY MR. BOGLE:
- 18 Q Well, let's take a look then at the next
- exhibit, 1.1870, which is also Exhibit 35.
- MR. COLLINS: What number?
- MR. BOGLE: Exhibit 35.
- MR. COLLINS: Thank you.
- 23 BY MR. BOGLE:
- Q Okay. And you see this is an e-mail

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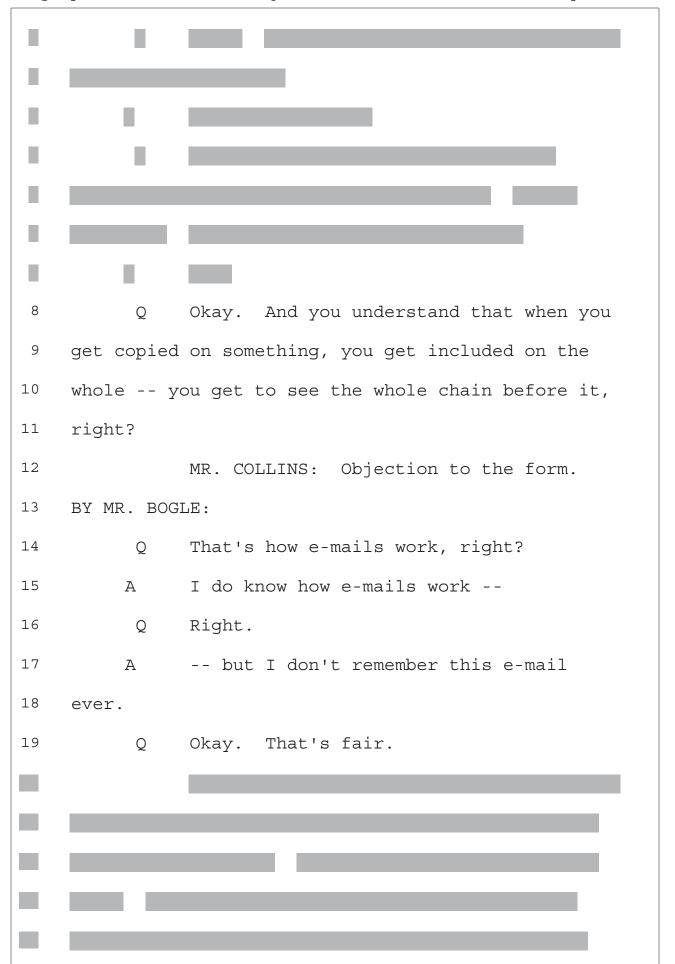


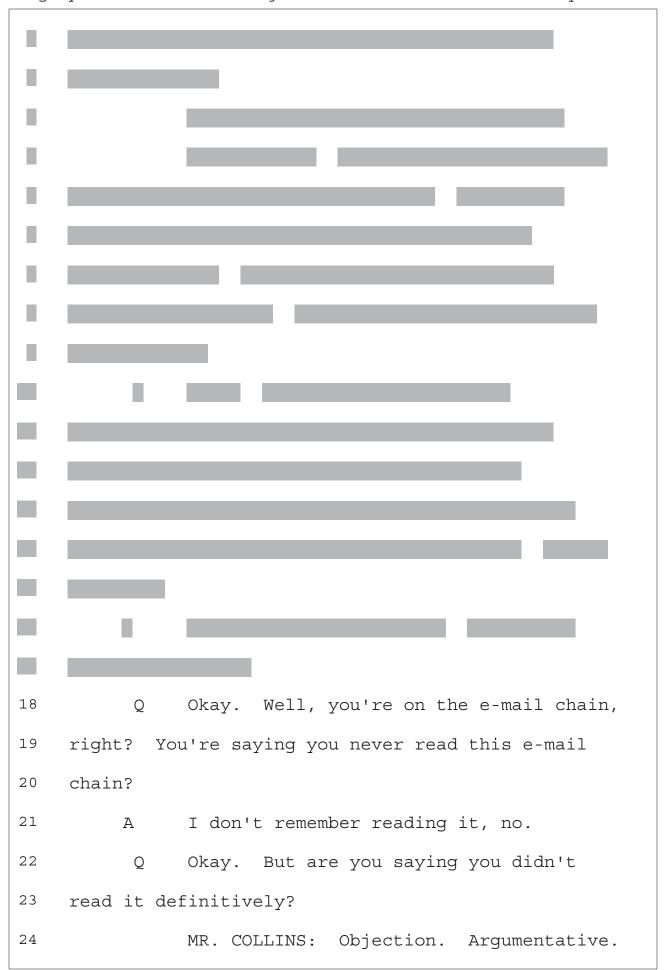


Okay. Well, if you go back to 1 0 Exhibit 1.1568, which is Exhibit 9. Keep that one 2 out there with the 70,000 doses. That what, keep --Α 5 Q Keep that next to you, but I want you to pull this one out too, Exhibit 9. 6 7 Nine? Α 8 Yeah. Q 9 MR. COLLINS: I think they should be in 10 order. 11 THE WITNESS: Well, kind of. 12 MR. COLLINS: Let me get mine. 13 BY MR. BOGLE: 14 You got Exhibit 9? Q 15 Α Yes.

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```
THE WITNESS: I'll testify that I don't
1
   remember reading it. I don't even remember the
2
3
   Acme.
   BY MR. BOGLE:
              Do you typically not read e-mails
5
          Q
   you're -- you're copied on?
6
7
               MR. COLLINS: Objection. Argumentative.
8
               THE WITNESS: I can't say typically.
   BY MR. BOGLE:
9
```

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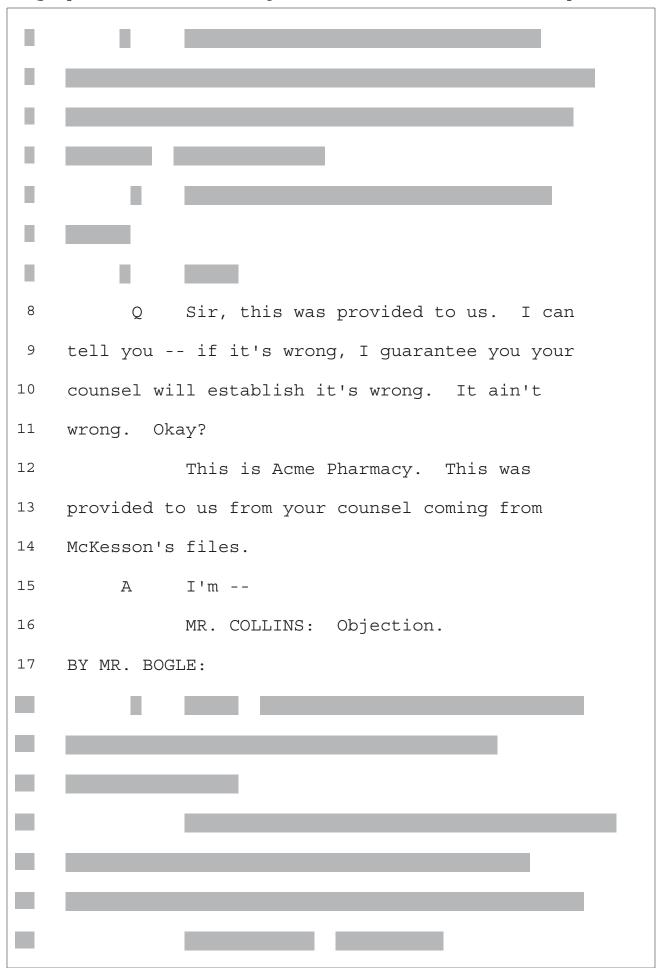


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```
8
                Not aware of that?
 9
                I hand you what I'm marking Exhibit 39,
10
    Exhibit 1.1895.
                (Snider Exhibit No. 39 was marked
11
12
                for identification.)
    BY MR. BOGLE:
13
14
                This is an article from the Akron Beacon
           0
    Journal/Ohio.com titled "Stow Pain Clinic closing
15
16
    after court upholds sexual imposition conviction
    against doctor accused of abusing patients,"
17
    posted August 11, 2016. Do you see that?
18
19
          Α
                I see that, yes.
20
                Okay. The first sentence says: "Summit
           0
21
    Pain Specialists in Stow is permanently closed
22
    Monday after years of wrangling over a sex abuse
23
    scandal involving a doctor there."
24
                Do you see that?
```

```
1 A I see that, yes.
```

- 2 Q The third paragraph there says: "But
- 3 the Ohio Supreme Court on August 3 upheld the
- 4 Summit County Common Pleas Court conviction a
- former doctor James Bressi, who once co-owned the
- 6 business with former doctor Robert Stephen
- 7 Geiger."
- 8 Do you see that?
- 9 A No. Can you tell me where you are?
- 10 I -- I was under what prompted the clinic to
- 11 close.
- 12 Q Right here, sir, if you look at my
- 13 finger.
- 14 A I'm sorry. You skipped around. I
- 15 didn't see that.
- 16 Q You want me to reread that for you?
- 17 A Please.
- 18 Q So you can follow along.
- 19 A Please.
- 20 O That's fair.
- The portion I read says: "But the Ohio
- 22 Supreme Court on August 3 upheld the Summit County
- 23 Common Please Court conviction of former
- doctor James Bressi, who once co-owned the

1 business with former doctor Robert Stephen Geiger. 2 The clinic's troubles started in 2012 when patients began calling Stow police reporting they 3 had been sexually abused by Bressi inside the pain Stow police ultimately took reports from 5 clinic. about 95 patients, including some in their 70s, 6 who made similar claims according to a detective's 7 8 court testimony." 9 Do you see that? 10 Α I see that, yes.

- Q Okay. Do you have any reason to dispute
- 3 that pretty quickly after Summit Pain Specialists
- 4 closed so did Acme 30?
- MR. COLLINS: Objection. Foundation,
- 6 form.

- 7 THE WITNESS: I do not know or remember
- 8 any of that. I'm sorry.
- 9 BY MR. BOGLE:
- 10 Q Okay. Well, let's just close the loop
- 11 here.
- 12 (Snider Exhibit No. 40 was marked
- for identification.)
- 14 BY MR. BOGLE:
- Q Exhibit 40, 1.1911. I pulled this off
- of Google before I came, pertaining to Acme
- 17 Pharmacy in Stow, Ohio. Same address as we just
- 18 saw in the investigative report.
- Do you see it's noted to be permanently
- 20 closed?
- MR. COLLINS: Objection. Foundation.
- THE WITNESS: If you say -- I don't see
- where it says that. Please point to it.
- 24 Permanently closed, yes.

- 1 BY MR. BOGLE:
- Q Okay. But again, this is not a customer
- you ever even recall dealing with at all, right?
- 4 A I don't think I was in New Castle at the
- 5 time. I was in Delran, New Jersey.
- 6 O You weren't in New Castle at all from
- 7 when you -- this account started getting serviced
- 8 in 2012 to 2016 when that -- it closed?
- 9 A I was there in 2012, yes.
- 10 Q Okay. For what period of time were you
- 11 not at New Castle then?
- 12 A '14 and '15 or '15, '16. I don't
- 13 remember.
- Q Who was running New Castle while you
- were gone?
- A Andrew Moore, the VP/GM.
- 17 Q Andrew Moore?
- 18 A Yes.
- 19 Q Okay. Did you have any communications
- 20 concerning New Castle during that time period that
- you were in Delran?
- A Not too many.
- Q Okay. There are many Giant Eagle
- 24 Pharmacies that -- in Summit and Cuyahoga County

that New Castle supplies opioids to, correct? 1 Supplied. We don't have them any 2 3 longer. Okay. When did you stop? 5 Α About a year ago -- less than a year 6 ago. 7 Okay. Do you know why you stopped Q 8 providing to them out of New Castle? 9 They got another wholesaler. 10 Q Okay. Who? 11 Α Cardinal. 12 Okay. All right. So prior to losing Q that business, you said about a year ago, that was 13 14 one of the larger customers you had in Summit and Cuyahoga counties, right? 15 16 Α Yes. 17 MR. COLLINS: Are we done with these? 18 MR. BOGLE: Yeah. 19 BY MR. BOGLE:

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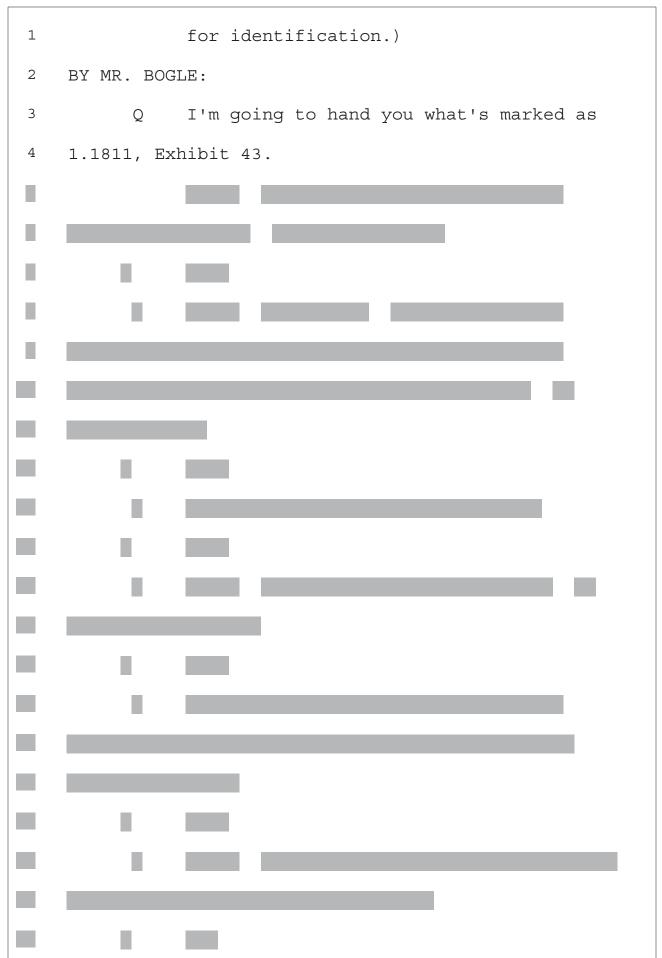
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9 Okay. All right. We're done with that. O 10 MR. COLLINS: When would be a good time 11 to take a break? 12 MR. BOGLE: It's fine now. Yeah, if he needs it, that's fine. 13 14 THE VIDEOGRAPHER: The time is 3:56 p.m. We're going off the record. 15 16 (Recess.) 17 THE VIDEOGRAPHER: The time is 4:08 p.m. We're back on the record. 18 BY MR. BOGLE: 19 Okay, Mr. Snider, we had stopped --20 21 broken after talking about some of the Giant Eagle 22 Pharmacies, and I want to talk about a couple more of those from Summit and Cuyahoga County. 23 24 (Snider Exhibit No. 43 was marked



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8 0 You do know that McKesson ultimately in 2016 paid a \$150 million fine for violations of 9 10 the Controlled Substances Act, right? 11 MR. COLLINS: Objection. Calls for a 12 legal conclusion. 13 BY MR. BOGLE: 14 Do you know whether that occurred? Q 15 MR. COLLINS: I'm sorry. Lack of foundation. Form. 16 BY MR. BOGLE: 17 18 Do you know that? 19 I heard it was a settlement with the Α 20 DEA. 21 Okay. Do --0 22 Α And that's what I was told. 23 You weren't told how much? I was told it was --24 Α

O For how much or for what for? 1 I was told it was a settlement for 2 \$150 million. Okay. But you didn't -- you never asked O what for? 5 I'm sure I did. 6 Okay. Do you remember being told what 7 8 it was for? 9 Not the people that know, no. Okay. I'm going to hand you --10 Q actually, strike that -- 1.1775, which I'm marking 11 as Exhibit 50. 12 13 (Snider Exhibit No. 50 was marked 14 for identification.) 15 BY MR. BOGLE:

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```
9
                If you can go back to Exhibit 9 real
10
    quick. And keep this one I'm looking at with you
11
    out too, but...
12
               Eight.
         Α
13
               MR. COLLINS: One more. Getting warmer.
14
               THE WITNESS: 10.
15
               MR. COLLINS: Getting warmer.
               THE WITNESS: 11.
16
                                   Sorry. Where is 9?
17
    It has to be behind there. I'm sorry. 15.
    don't see 9 here. Let me look at that other --
18
    BY MR. BOGLE:
19
20
               You can follow me up on the screen if
21
    you want. It doesn't matter to me.
22
               MR. COLLINS: It's got to be in this
23
    stack.
24
               THE WITNESS: If it's okay with you, I
```

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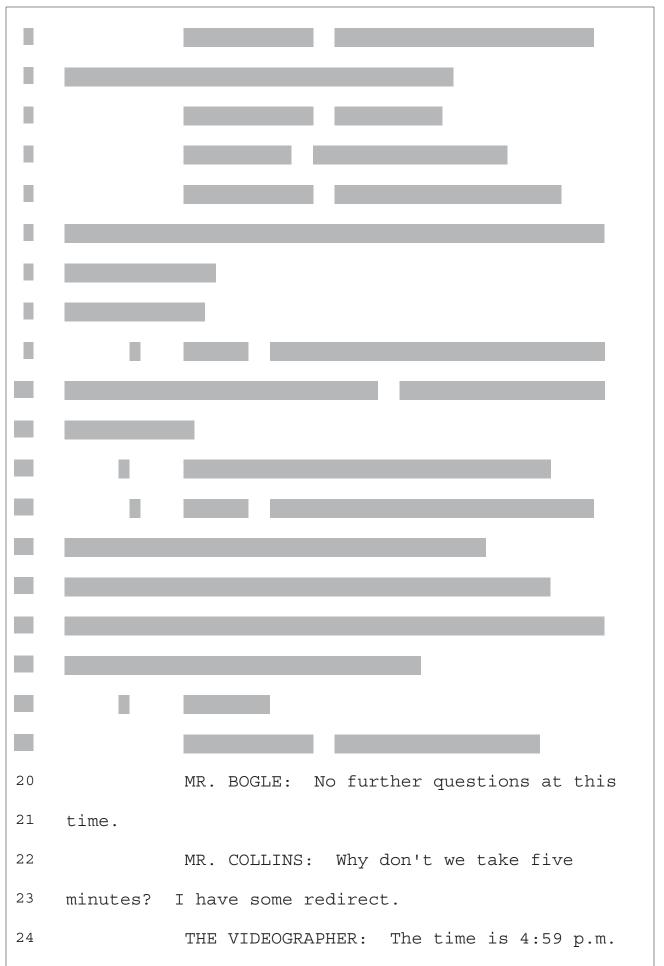


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Case: 1:17-md-02804-DAP Doc#: 1984-18 Filed: 07/24/19 451 of 520 PageID #: 253451 Highly Confidential Exercises





```
We're going off the record.
 1
                (Recess.)
 2
 3
                THE VIDEOGRAPHER: The time is 5:12
    p.m., and we're back on the record.
 5
                    REDIRECT EXAMINATION
 6
    BY MR. COLLINS:
 7
                Good afternoon, Mr. Snider.
          0
         A
               Good afternoon.
 8
 9
          0
               I'm Kevin Collins.
10
         A
               Yes.
11
          Q
                Where do you currently live?
12
                I currently live in -- south of
         Α
13
    Youngstown, Ohio -- Poland, Ohio.
14
                Can you keep your voice up. I know it's
    been a long day. One more time?
15
16
               Poland, Ohio.
17
                Okay. And what county is that?
18
         Α
                It's Mahoning County.
          Q
                All right. And where is that county
19
20
    related to Summit and Cuyahoga counties?
21
                It's about three or four counties over
22
    east, directly east towards the PA line.
23
               And how long have you resided there?
24
         Α
                Twenty -- 18 years.
```

- 1 Q All right. Where were you born and
- 2 raised?
- A I was born in Coshocton, Ohio, and was
- 4 raised in Cuyahoga Falls in Summit County.
- 5 Q Where did you go to high school?
- 6 A Cuyahoga Falls High School.
- 7 Q What did you do after high school?
- 8 A I went to Kent State University.
- 9 Q And after Kent State, when did you
- 10 graduate?
- 11 A I graduated in -- I'm sorry -- 1978.
- 12 Sorry. That's a long time ago.
- Q Okay. And when did you start working
- 14 for McKesson?
- 15 A I believe '79, '80.
- Q Can you briefly describe the positions
- 17 you've held, starting from your earliest position
- 18 at McKesson to your current position and where --
- 19 where you were located.
- 20 A Okay. Sure. Started in North Canton,
- Ohio. I don't remember exactly how long, but I
- was first a trainee for a couple of months, and
- then a night supervisor after that couple of
- 24 months of -- in there. And then I did that for

- 1 quite a few years, and then I got promoted to
- operations manager there, and I'm not sure what
- year that was. It would be on -- probably on my
- 4 resume, but I don't remember.
- 5 And then after that, we built a new
- 6 facility in Cincinnati, Ohio. Fairfield, Ohio, to
- 7 be exact. And I ran -- I went there as the
- 8 operations manager. And I --
- 9 Q What year was that?
- 10 A 1978. No, '75. I think so.
- 11 Q Would it be --
- 12 A No, no. No, no. I'm sorry. I have the
- wrong -- '95 or '6. Sorry about that.
- 14 Q I'm sorry. Where did you go after that?
- 15 A After Cincinnati, I went back to North
- 16 Canton, and then they promoted me to distribution
- 17 center manager over in Sewickley, Pennsylvania,
- and after that I was promoted to manager over
- 19 Sewickley and North Canton. And we had closed
- 20 Cincinnati, and then we closed North Canton, which
- 21 was in Stark County, and we combined it into New
- 22 Castle in 2000, and I was made the director of
- 23 operations there.
- Q So is it true that the New Castle

- 1 facility opened in 2000?
- 2 A Yes. May of 2000.
- 3 Q And when it opened, what was your title?
- 4 A I don't remember if it was DCM or DO,
- 5 but it was one of those, and I ran the
- 6 distribution center. We got -- started it up, and
- 7 then I'm still there. So I've always been in the
- 8 Ohio/PA market.
- 9 Q What geographic territory does the New
- 10 Castle distribution service -- distribution center
- 11 service?
- 12 A Our distribution center services -- if I
- could say what towns, you might know, but on the
- east is State College, which is the -- central PA;
- on the north is Erie, Pennsylvania, which is the
- 16 north side; northwest is -- is Cleveland; and then
- 17 southwest would be down to the Zanesville area;
- 18 and then south would be -- I believe it was
- 19 Morgantown, Weston; and then back up to New
- 20 Castle. So we're in the geographic center.
- 21 Q How many employees do you manage?
- A About 133 right now.
- Q And how many employees are direct
- 24 reports to you?

- 1 A About ten.
- 2 Q In your almost 19 years of managing the
- 3 New Castle Distribution Center, how would you
- 4 describe the performance of the distribution
- 5 center?
- 6 MR. BOGLE: Object to form, vaque and
- 7 ambiguous.
- 8 THE WITNESS: The distribution center
- 9 won the DC of the year seven times, and that's
- 10 twice as many as any other distribution center has
- 11 received that, and that's based on the quality and
- the performance of the distribution center.
- 13 BY MR. COLLINS:
- 14 Q Are there ever any internal audits
- performed about the operations of the distribution
- 16 center at New Castle?
- 17 A Yes. We have four or five kinds of
- 18 audits. The first kind is called a STARS audit
- 19 that we do internally to match our SOPs to our
- 20 performance. And that's done -- right now it's
- done by an accounting team. But before that, all
- those years, it was done by McKesson Regulatory
- 23 Affairs folks.
- Then we have a specific --

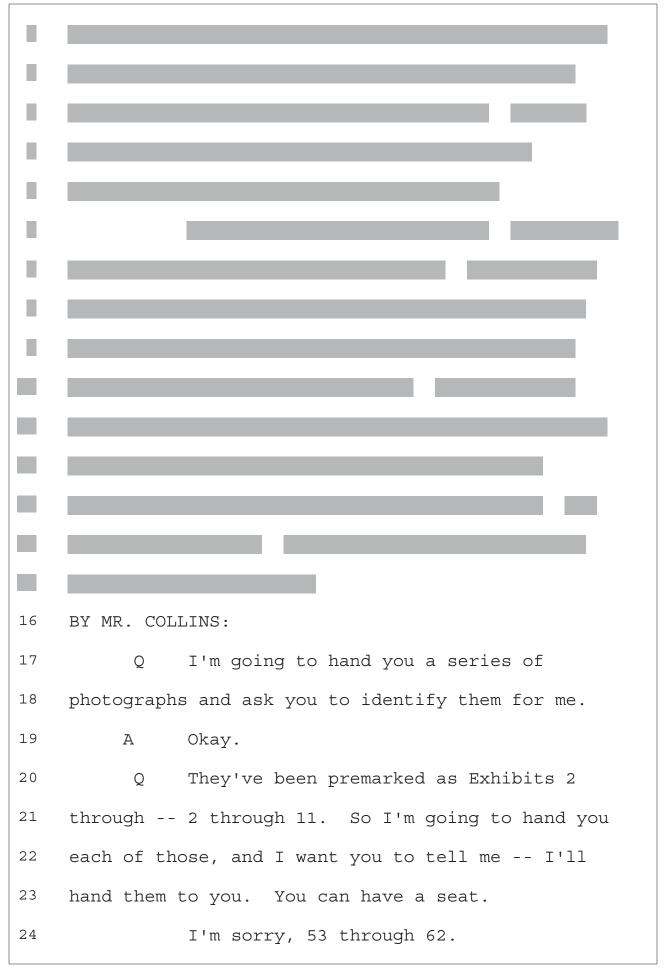
- 1 Q I'm sorry. Can you tell me how often
- 2 that's done?
- A Every two, two-and-a-half years.
- 4 Q Okay. And the next -- the other audit
- 5 you were going to describe?
- 6 A Yes. Sorry. The next audit is the DEA
- 7 cyclic audit or any DEA unannounced audit. So
- 8 we've had cyclic audits average two-and-a-half
- 9 years. They try to do them every two years,
- 10 but -- so I believe there were four audits at the
- distribution center by the DEA, and they've all
- 12 came out as -- a hundred percent as exemplary. So
- that was one of the other audits.
- And then monthly, we did the triannual
- report, which was a DEA SOPs. And then also we
- did a VAWD audit, which is the National Wholesale
- 17 Association. We do that every two to five years
- depending on our licensure. We were one of the
- 19 first DCs to get VAWD accreditation.
- So when the DEA or we do our audits, we
- 21 check our licensing and numerous other things, but
- the DEA has been in there a few times, and they've
- 23 always had exemplary comments for New Castle and
- 24 our team.

```
(Snider Exhibit No. 52 was marked
 1
 2
                for identification.)
    BY MR. COLLINS:
 3
                I'm going to hand you what's been
 5
    premarked as Exhibit 52.
 6
                Mr. Snider, can I ask you to identify
 7
    what is Exhibit 52?
16
                Has the DEA ever complained to you about
    your operations at the New Castle Distribution
17
    Center?
18
                MR. BOGLE: Object to form.
19
20
                              No.
                                   They've always
                THE WITNESS:
21
    said -- I know Kurt Dittmer, who was there before.
22
    Patty Robson is there right now as interim agent
23
    in charge, and before that we had -- I knew Jim
24
    Crawford, and all of them have given us exemplary
```

- 1 records.
- 2 BY MR. COLLINS:
- 3 Q Have you ever received -- or has the
- 4 distribution center ever received any kind of
- 5 minor infraction or citation from the DEA?
- 6 MR. BOGLE: Object to form.
- 7 THE WITNESS: Never.
- 8 BY MR. COLLINS:
- 9 Q In terms of the New Castle Distribution
- 10 Center operations, on average, what's the volume
- of the pharmaceuticals that you distribute per
- 12 day?
- A We do about 150,000 pieces a day to
- 14 200,000, depending on the day.
- Q And when you say "pieces," what do you
- 16 mean? Is that -- is that a tablet or --
- A A bottle or pill, or even sometimes a
- 18 case. It depends on the selling unit.
- 19 Q 150,000 pieces?
- 20 A Minimum.
- 21 Q And how many -- what portion of that is
- 22 controlled substances?
- A About fourteen to 15,000. Total for
- 24 Class II, III, IV and V.

- 1 Q And in terms of opioids, what's the
- 2 percentage of the product that is moved out of the
- distribution center each day that is an opioid?
- 4 MR. BOGLE: Object to form as to time,
- 5 vague and ambiguous.
- 6 MR. COLLINS: And I -- fair enough. I
- 7 will -- Mr. Bogle's objection is well founded.
- 8 BY MR. COLLINS:
- 9 Over the course of the last 20 years,
- 10 can you tell me how the volume of opioids, what
- it's been relative to the rest of the product
- 12 that's been moved?
- MR. BOGLE: Object to form.
- 14 THE WITNESS: Two percent.
- 15 BY MR. COLLINS:
- Q What other products besides controlled
- 17 substances does the distribution center
- 18 distribute?
- 19 A We sell pharmaceuticals, legend drugs,
- over-the-counter merchandise, some medical
- devices, everything from syringes to -- we used to
- sell wheelchairs and that, but we got out of that
- business locally. But we would sell anything you
- 24 would see in a pharmacy.

1 How significant in terms of the 0 2 resources are controlled substance to your daily distribution needs? 3 4 MR. BOGLE: Object to form. 5 THE WITNESS: Currently we have about 10 6 or 12 people that do nothing but the controls. 7 have two clerks that do nothing but the paper 222 forms or sorting those out, and I have one that 8 9 answers the phone and balances those edits. 10 send an edit every day to the DEA, electronically. 11 I believe it's the Philadelphia office. 12 BY MR. COLLINS: 13 Let's take an opioid that is received in O 14 your distribution center, and I'd like you to 15 describe how it's received, how it's handled, how 16 it's stored, and how it's then further distributed. 17 18 MR. BOGLE: Objection. Form, compound.



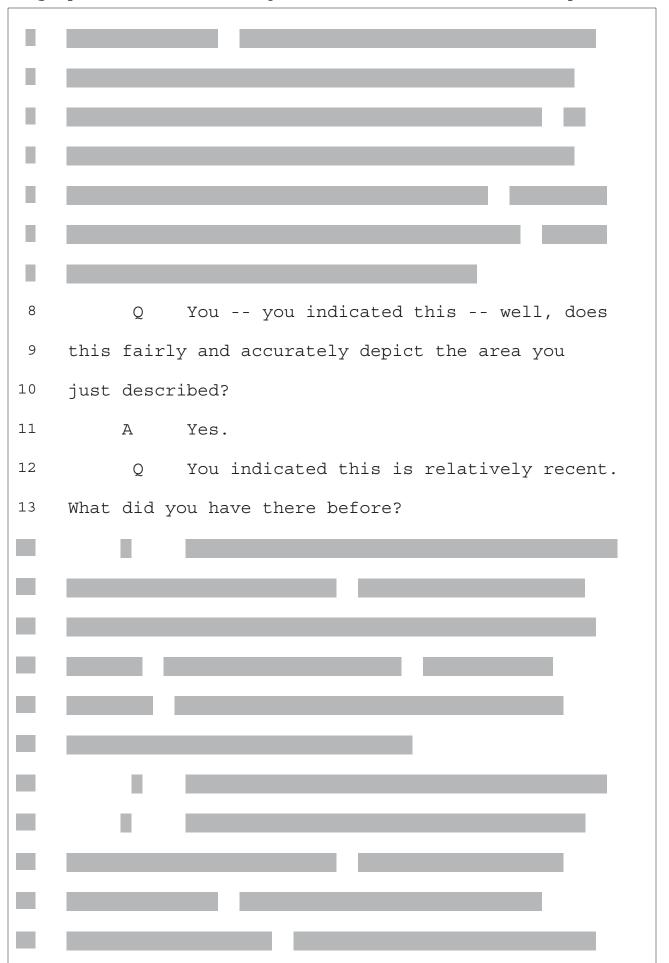
```
1
                (Snider Exhibits No. 53 through 62
 2
                were marked for identification.)
 3
    BY MR. COLLINS:
                So I'm handing you 53. Do you recognize
 5
    what's depicted in Exhibit 53?
 6
          Α
                Yes.
 7
                What is it?
           0
                This is our control substance cage for
 8
          Α
 9
    Class III, IV and V merchandise.
10
           Q
                And where is that perspective from?
11
                It's from the mezzanine level looking
12
    down.
13
                And does that fairly and accurately
           Q
14
    depict the cage --
15
          Α
                Yes.
16
                -- in its current state?
17
          Α
                Yeah, the bottom right is our
    self-closing door. And then I'll -- which has a
18
    scanner on it so we know only people can enter
19
20
    that are accessed to that. And there's quite a
21
    bit of -- well, you don't see the security here,
22
    but there's quite a bit there.
23
                Let me hand you what's been premarked as
    Exhibit 54. Can you identify what's depicted in
24
```

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- 1 premarked as Exhibit 55. Describe what -- tell me
- 2 if you identify -- can identify what's in that
- 3 picture.

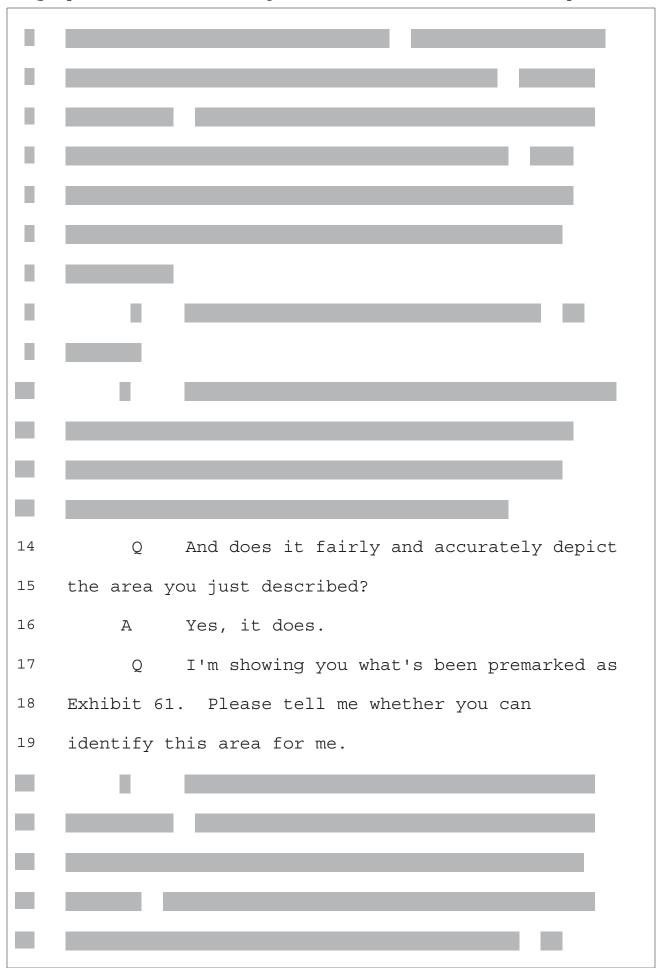
- ____
- 11 Q Let me show you what's been -- I'm going
- 12 to -- actually, does that fairly and accurately
- depict the area that you just described?
- 14 A Yes.
- 15 Q I'm going to hand you what's been
- premarked as Exhibit 56.
- 17 A Thank you.
- 18 Q Do you recognize what's depicted in
- 19 Exhibit 56?
- 20 A Yes, I do.
- Q What is it?

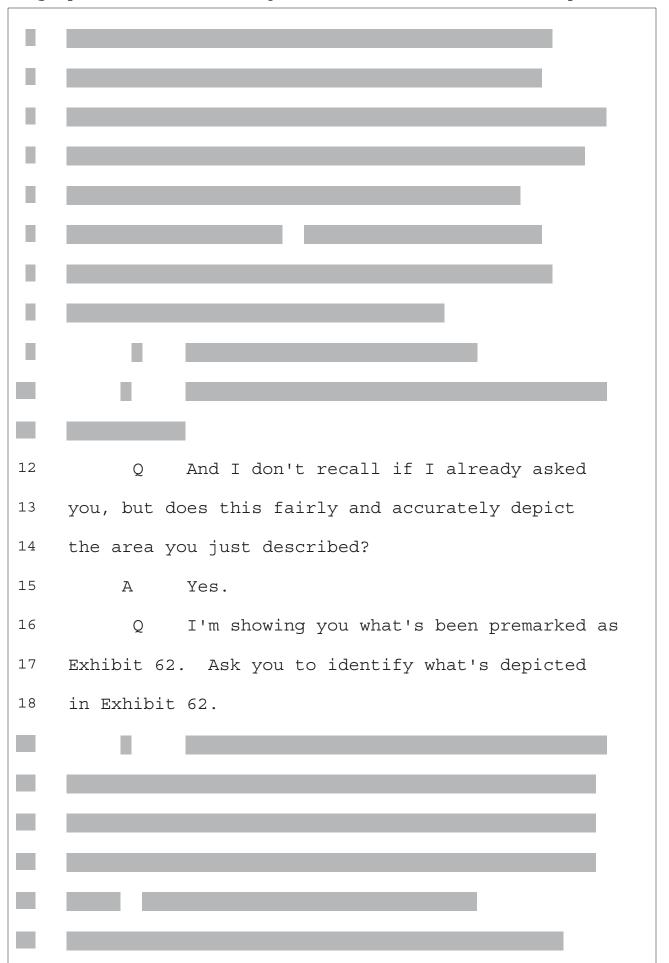


2 Let me show you what's been premarked as Q Exhibit 57, and ask you to tell me whether you can 3 identify that. 10 Does it fairly and accurately depict Q that area you just described? 11 12 Α Yes. I want to show you -- hand you what's 13 14 been premarked as Exhibit 58. Ask you to identify or tell me whether you can identify that. 15



7 Let me show you what's been premarked as 0 8 Exhibit 59. Can you identify what's in Exhibit 59 for me? 9 17 Does this fairly and accurately depict 0 the area you just described along with these 18 19 cages? 20 Α Yes. 21 I show you what's been premarked as Exhibit 60. Ask you to identify what's depicted 22 there, if you can. 23





9 Other than that one occasion I think you 10 said in 2010 where you had an employee that was 11 involved in some theft, have you ever had any 12 other type of incident at your distribution 13 center? 14 Yes, we had -- up in Cleveland, someone approached one of the drivers with a qun, and he 15 16 actually yelled for them to get out, and they actually did. But they asked him to open the back 17 of his truck, which is always locked, and produce 18 the totes. And he actually used to run a 19 Mini-Mart is how he did that. 20 21 And I know that because our delivery 22 service has worked for me for almost 40 years, and 23 it's a dedicated delivery service, and no other 24 wholesaler has that. And these guys carry

- 1 scanners so they can scan the totes. We know when
- they bring them back how many totes were
- delivered. They call if there's an error, they
- 4 had ten instead of nine. So we investigate that,
- 5 et cetera. But the drivers have been dedicated
- 6 service only for McKesson totes, which I think is
- 7 a differentiator for us.
- 8 Q Do you see any totes in this Exhibit --
- 9 is it 62?

- Q And does this fairly and accurately
- 17 depict the -- sort of the various views of the
- 18 cameras?
- 19 A Yes.

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Case: 1:17-md-02804-DAP Doc#: 1984-18 Filed: 07/24/19 476 of 520 PageID #: 253476 Highly Confidential Exercises



1	
1	
1	
10	Q Does the distribution center communicate
11	with local DEA?
12	A Yes.
13	Q How often?
14	A Not as much right now, but they will
15	call me. I talked to Patty Robson last week. And
16	I also used to talk to Kurt Dittmer quite a bit
17	before he retired. And I've known these folks for
18	a long time, and I would probably say at least
19	twice a month there was some contact.
20	Q Has the DEA the local DEA ever given
21	you a complaint about the operation of the
22	distribution center?
23	MR. BOGLE: Object to form.
24	THE WITNESS: They've never.

```
BY MR. COLLINS:
 1
 2
                I'm sorry?
                No, they have never.
                In earlier questioning by Mr. Bogle, he
 5
    mentioned a settlement agreement with the -- the
    Justice Department. Do you recall that?
 6
 7
          Α
                Yes.
 8
                Do you know if the New Castle
 9
    Distribution Center was mentioned in that
10
    settlement agreement?
                I know it was not.
11
12
                (Snider Exhibit No. 64 was marked
13
                for identification.)
14
    BY MR. COLLINS:
15
                I'm going to show you what's been
16
    premarked as Exhibit 64.
17
                Do you recognize that document?
         A
18
                Yes.
19
                What is it?
           Q
20
                It's the controlled substance compliance
          Α
21
    process.
                And what's the purpose of this document?
22
```

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Case: 1:17-md-02804-DAP Doc#: 1984-18 Filed: 07/24/19 480 of 520 PageID#: 253480 Highly Confidential#: 253480 Further Confidential#: Review



Case: 1:17-md-02804-DAP Doc#: 1984-18 Filed: 07/24/19 481 of 520 PageID #: 253481 Highly Confidential Exercises



Case: 1:17-md-02804-DAP Doc#: 1984-18 Filed: 07/24/19 482 of 520 PageID #: 253482 Highly Confidential ty Review



Case: 1:17-md-02804-DAP Doc#: 1984-18 Filed: 07/24/19 483 of 520 PageID#: 253483 Highly Confidential#: 253483 Filed: 07/24/19 483 of 520 PageID#: 253483



```
1 Q When the New Castle Distribution Center
```

- first became operational in 2000, did you have
- access to customer information in terms of who
- 4 else was supplying them?
- 5 A No, I didn't.
- 6 MR. BOGLE: Object to form.
- 7 BY MR. COLLINS:
- 8 Q Do you have that now?
- 9 A The DRAs have all the access to that,
- 10 yes.
- 11 Q And when did that start?
- 12 A I'm -- I'm not sure if that was 2008,
- 13 but -- with the Lifestyle drugs, but I know that
- 14 the fact that they could see the wholesalers'
- information, I think Izzy told me it was just
- 16 within the last few years.
- 17 (Snider Exhibit No. 66 was marked
- for identification.)
- 19 BY MR. COLLINS:
- 20 Q I'm going to show you what's been now
- 21 premarked as Exhibit 66, and ask you to identify
- 22 it for me.
- What is Exhibit 66?

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12 You've mentioned the director of 0 Regulatory Affairs a number of times. What's his 13 14 or her role? 15 MR. BOGLE: Object to form. 16 THE WITNESS: They're vetting out the 17 regulations and the customers that we either onboard or sell to. 18 19 BY MR. COLLINS: 20 Given your almost four decades of 0 21 experience with McKesson, including almost 20 years as the director of operations of the New 22 Castle Distribution Center, what do you think 23 24 about all of these allegations about McKesson

- 1 fueling the opioid crisis?
- MR. BOGLE: Object to form.
- 3 THE WITNESS: I spent most of my life in
- 4 Summit County. I know Cuyahoga County. I'm
- 5 probably the last Browns' fan you'll ever meet.
- 6 So it means a lot to me, and I would never do
- 7 anything willingly to create an opiate crisis.
- 8 I -- I feel it is terrible and I feel bad for it,
- 9 but I don't say that I caused it at -- at New
- 10 Castle.
- 11 BY MR. COLLINS:
- 12 Q Besides your handling of distribution of
- 13 pharmaceuticals in a routine way, are you aware of
- 14 any other things that you've done as a head of
- operations at the distribution center --
- MR. BOGLE: Object.
- 17 BY MR. COLLINS:
- 18 Q -- that would impact the community?
- MR. BOGLE: Object to form.
- THE WITNESS: Yeah, I guess that's where
- I say about some of the things we do.
- I know in -- I think it was Summit
- 23 County, Stark County, there was a meningitis
- outbreak several years ago, and one of the high

- 1 school kids, one or two of them died, and so we
- 2 had to provide the antidote or the medicine for
- 3 that. And I called in helicopters, and they
- 4 landed in the parking lot and they distributed to
- 5 the County Board of Health, I believe it was, and
- one of the hospitals. And that's kind of what we
- 7 do.
- 8 I also -- just recently one of my
- 9 managers from UPMC Pittsburgh Hospital, they had a
- snake bite, and they must have been in central PA.
- 11 I'm not sure how that happened. But we -- he
- didn't know if the courier could get there quick
- enough, so he grabbed it and drove it down
- 14 himself, and that saved the kid.
- And then we were in McKesson Today for
- 16 New Castle recently for the Washington Courthouse
- 17 distribution center in Ohio that we provided and
- 18 had a life-saving medicine, and my manager drove
- 19 it halfway, they had someone pick it up, and it
- 20 saved the patient. It was a mother who was
- 21 pregnant and needed this medicine to save the
- 22 baby, and I know that's what we did.
- It was written up in the McKesson Today,
- et cetera, and Bev did most of the work. I just

- 1 was standing there. But that's the kind of thing
- we do that I wanted to make sure I got on the
- 3 record.
- 4 MR. COLLINS: I have no further
- 5 questions. You want to switch?
- 6 MR. BOGLE: Yeah, just give me a couple
- 7 of minutes.
- 8 THE VIDEOGRAPHER: The time is 5:55 p.m.
- 9 We're going off the record.
- 10 (Recess.)
- 11 THE VIDEOGRAPHER: The time is 6:02
- p.m., and we're back on the record.
- 13 RECROSS-EXAMINATION
- 14 BY MR. BOGLE:
- 15 Q All right. Mr. Snider, I have a few
- 16 follow-up questions for you.
- You made reference to opioids being
- 18 2 percent of the overall volume at your
- 19 distribution center. Do you recall that
- 20 testimony?
- 21 A Yes. At one time, yes.
- 22 Q Yeah, that number has not been stagnant,
- right? For example, when you started in 2000,
- that number increased over time, didn't it?

```
1 MR. COLLINS: Objection. Vague.
```

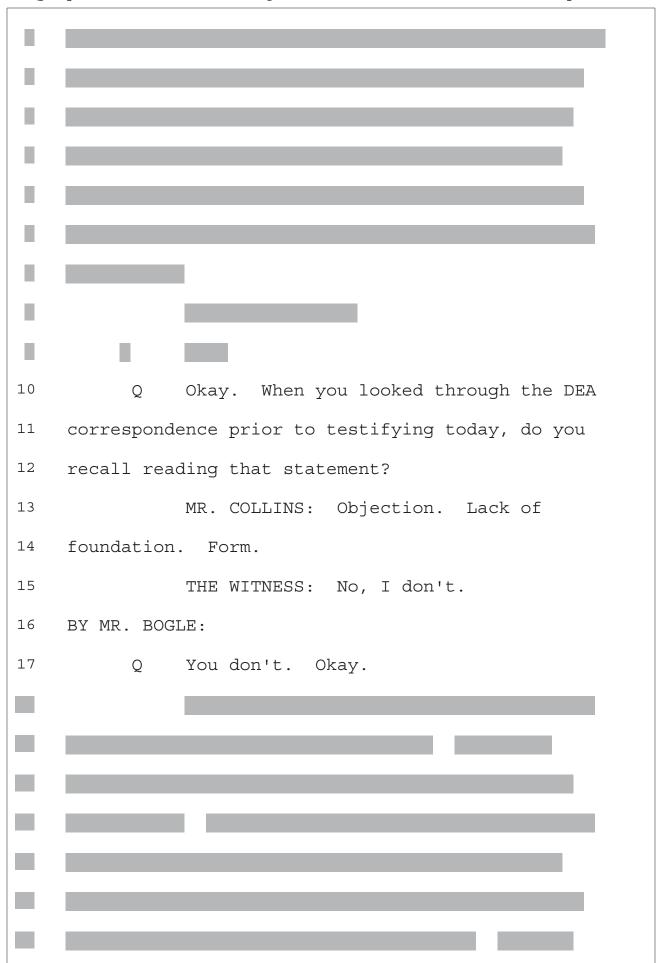
- THE WITNESS: Over time, yes, it did.
- 3 BY MR. BOGLE:
- 4 Q Right. So when you say that opioids
- 5 were 2 percent of the total volume at New Castle,
- 6 you're not representing to our jury that that was
- 7 true for the entire period of 2008 -- or 2000 to
- 8 present, right?
- 9 A No. I just got the data from present.
- 10 Q From today?
- 11 A Recently.
- 12 Q Right. So, for example, you have the
- 13 2018 data is what you're talking about.
- 14 A Yes.
- Q Okay. And it was higher than that, for
- 16 example, in 2010.
- 17 A I don't -- I don't know that, what it
- 18 was.
- 19 Q You don't know. So you didn't check
- anything other than 2018.
- 21 A Correct.
- Q Okay. You provided some -- some
- 23 testimony about -- to the effect that the DEA has
- never had any complaints about any activities

```
1 involving New Castle. Is that right?
```

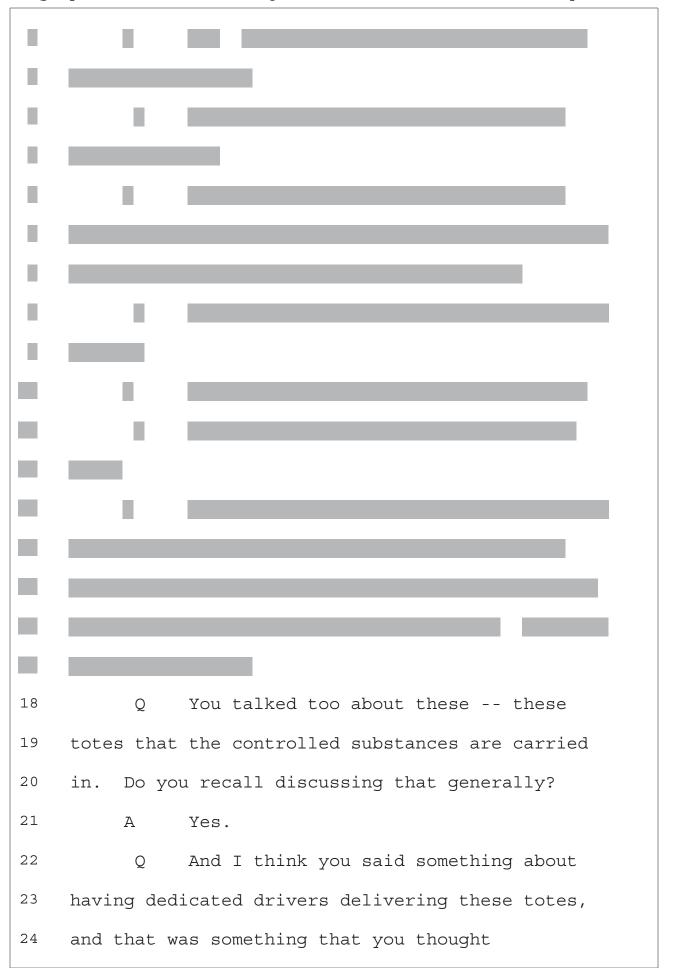
- 2 A Yes.
- Okay. Have you reviewed any of the DEA
- 4 and DOJ letters that led to the -- the \$150
- 5 million settlement agreement?
- A I looked at them, yes, briefly.
- 7 Q Did you just look at the settlement
- 8 agreement, or did you look at any of the internal
- 9 letters that led up to that?
- 10 A I looked at the distribution centers
- 11 listed.
- 12 Q Okay. Did you review the letters in
- detail beyond that?
- 14 A No.
- Okay. So, for example, if the -- some
- of the letters from the DEA indicate that they
- 17 found nationwide and systemic violations regarding
- 18 controlled substance monitoring at McKesson,
- 19 that's something you were not aware of when you
- 20 provided that testimony, right?
- MR. COLLINS: Objection. Assumes facts
- 22 not in evidence. Lack of foundation.
- 23 BY MR. BOGLE:
- 24 Q Right?

```
Can you ask me -- I'm not sure what you
 1
          A
 2
    mean by --
 3
           0
                Sure.
                -- "provided that testimony."
 5
           Q
                You provided testimony there's been no
 6
    complaints about -- about New Castle from the DEA.
 7
          Α
                Yes.
 8
                And my question to you was, did you
 9
    review any of these letters from the DEA to assess
10
    whether they made any comments about the fact that
11
    they found nationwide and systemic violations as
12
    to McKesson's suspicious order monitoring
13
    programs?
14
                MR. COLLINS: Object to form.
                THE WITNESS: I did not discuss it with
15
16
    the DEA.
17
    BY MR. BOGLE:
                No, I'm talking about in the letters.
18
    Did you see that in the letters anywhere?
19
20
                MR. COLLINS: Objection. I'm not
21
    sure --
22
    BY MR. BOGLE:
23
           Q
                All right. Let's just take a look at
24
    one.
```

No, I didn't. 1 Α 2 Okay. Let's take a look at one. I thought you said did I review it with 3 Α That's what I heard. the DEA. All right. That's fine. 5 Q (Snider Exhibit No. 67 was marked 6 7 for identification.) 8 BY MR. BOGLE: Exhibit 67, I'm going to hand you here, 9 also marked as 1.1443. 10

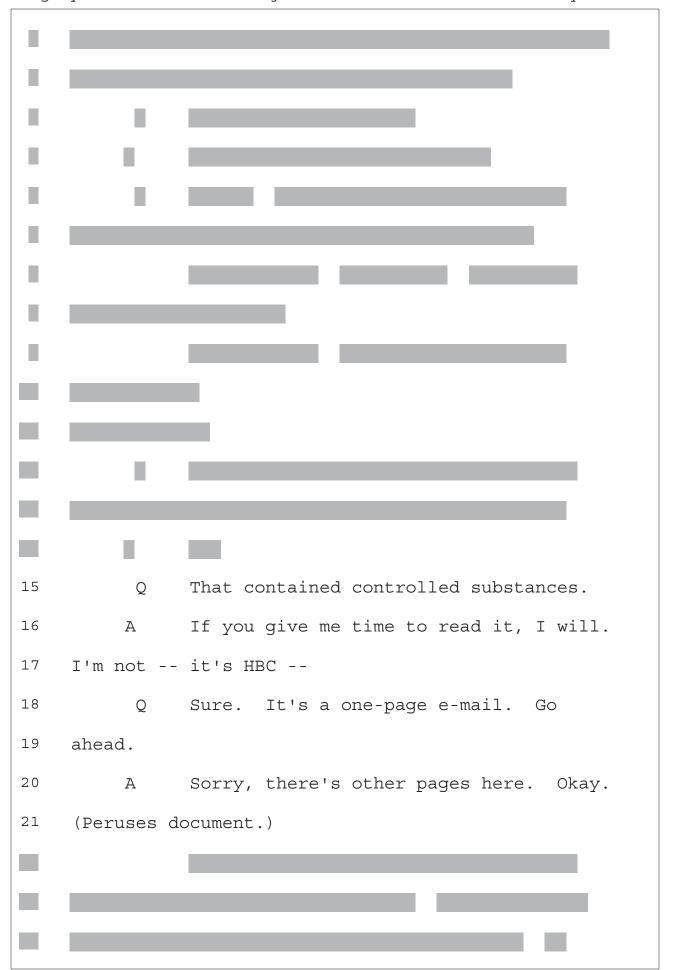


7 Okay. Do you recall seeing that in the Q letter that you reviewed? 8 9 MR. COLLINS: Objection. Asked and 10 answered. 11 THE WITNESS: No. 12 BY MR. BOGLE: You reviewed quite a few photos of the 13 Q 14 New Castle Distribution Center. Do you recall 15 that? 16 Α Yes. 17 Okay. Now, those photos all pertain to security measures contained within your facility 18 at New Castle, right? 19 20 Α Yes. 21 Okay. None of those photos pertain to 22 anything that involved trying to make sure that 23 the controlled substances once they are sold get 24 into the right hands, right?



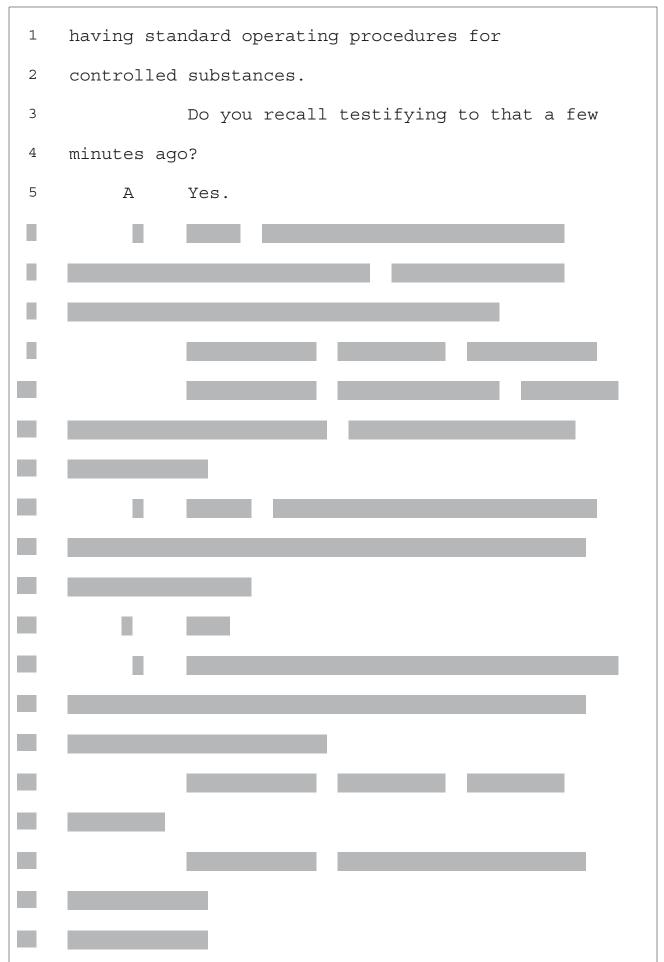
```
differentiated McKesson from other wholesalers.
 1
    Am I summarizing that fairly?
 2
 3
         Α
                Yes.
                Okay. Now, you've had at New Castle
    problems with lost totes that carried controlled
 5
    substances in them, right?
 6
 7
                MR. COLLINS: Objection. Form.
 8
                THE WITNESS: No.
 9
    BY MR. BOGLE:
10
          Q
                You've never lost a tote?
11
                I didn't say that. We don't have a
12
    problem with it.
13
                Okay. Well, we talked about Giant
          Q
14
    Eagle, for example, earlier, right, and you recall
15
    back in 2014 losing several totes that included
    controlled substances for deliveries to Giant
16
17
    Eagle, right?
18
                No, I don't.
         Α
19
          0
             You don't?
20
         Α
                Nope.
21
                Okay. All right.
          Q
22
                (Snider Exhibit No. 68 was marked
23
                for identification.)
24
    BY MR. BOGLE:
```

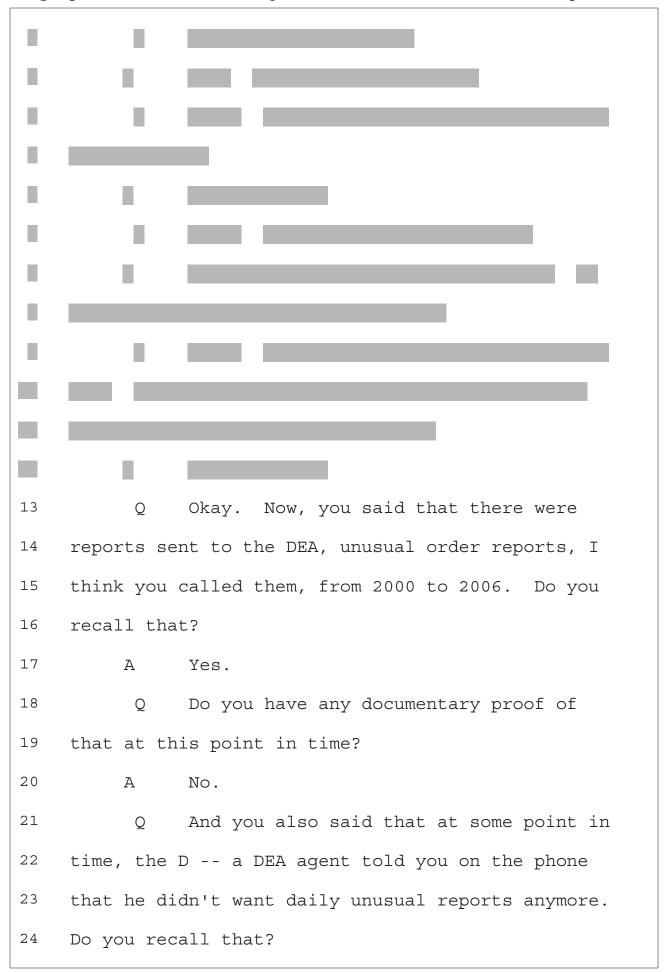






```
Right. But it's -- it's certainly these
 1
           0
    delivery drivers -- either delivery drivers or HBC
 2
    that lost these totes. We can agree on that,
    right?
 5
         Α
               Yes.
 6
          0
                Okay.
 7
                Also there's no manifest to show that.
    So the -- I'm sure that Greg Carlson and the Giant
 8
 9
    Eagle folks reported that to the DEA, that they
10
    have missing totes, or I don't even know that they
11
    found them at another store or where --
12
                Right. You don't know either way,
           O
    right?
13
14
         Α
                No.
15
                But you do agree with me this discusses
16
    missing totes?
17
                MR. COLLINS: Objection. The question
18
    is vaque.
    BY MR. BOGLE:
19
20
           0
                Right?
21
         Α
                Yeah.
22
                MR. COLLINS: The question is vague.
23
    BY MR. BOGLE:
24
                Now, you talked about McKesson always
           Q
```





- 1 A Yes.
- 2 Q Do you have any documentary proof of
- 3 that today?
- 4 A I don't have the e-mail. He actually
- 5 put it in writing for me.
- 6 Q But you don't have that, right?
- 7 A No, not from two -- whatever year that
- 8 was.
- 9 Q So we don't have any way to verify by
- documentation either of those statements, do we?
- MR. COLLINS: Objection. It's a
- 12 mischaracterization. You can ask the DEA.
- 13 THE WITNESS: From Kurt Dittmer would be
- 14 the only way to verify that.
- 15 BY MR. BOGLE:
- Q We don't have any documentary evidence
- 17 that you can provide us as to providing reports
- 18 from 2000 to 2006, number one, right?
- 19 A Number one?
- Q First thing. You can't point me to any
- documents that show that you actually did what you
- 22 said you did?
- 23 A No, I don't have those e-mails from 2004
- or whatever year it was.

```
And you don't -- and you don't have any
 1
           0
 2
    e-mail that you can show me or to the jury or to
 3
    anybody else about the DEA agent specifically
    calling you and telling you that you didn't need
 5
    to provide daily reports anymore, correct?
                I don't have that.
 6
 7
                You were asked about obtaining data from
    other -- strike that.
 8
 9
                You talked about being able to obtain
10
    data regarding your customers receiving controlled
11
    substances from other manufacture -- other --
12
    other wholesalers. Do you recall that?
13
         Α
                Yes.
14
                And you talked about when you thought
    that was available, and I won't go back into the
15
16
    exact years, but you recall talking about a
```

- 17 timeline --
- 18 A Yes.
- 19 Q -- when you thought that was available,
- 20 right?
- 21 A Yes.
- 22 Q The bottom line is, McKesson at all
- times was able to ask the customer for that data,
- 24 right?

```
1
                MR. COLLINS: Objection. Compound,
 2
    argumentative.
 3
                THE WITNESS: I don't know that.
    BY MR. BOGLE:
 5
           Q
                You don't know whether McKesson at all
 6
    times could ask their own customers, Listen, give
    me all of the drugs that you're getting from all
 7
    the wholesalers, give me proof of that, I want to
 8
 9
    see?
10
                From 2000 on, I don't know that -- if
          Α
11
    that was legally feasible.
12
                Legally feasible?
           0
13
          Α
               Yeah, I don't know --
14
           Q
                You've asked --
15
                -- if we could legally give them the
16
    other wholesalers' information.
17
                Do you recall anybody ever asking, that
18
    you were aware of?
19
                MR. COLLINS: Objection to form.
20
                THE WITNESS: Yes.
21
    BY MR. BOGLE:
22
                You recall somebody asking for it?
23
          Α
                Yes.
24
                And somebody saying that was legally not
           Q
```

- 1 possible?
- 2 A No.
- Q Okay. So -- but what you do know is you
- 4 guys can get it today, right?
- 5 A I -- yes, as he showed me.
- 6 Q Any -- are you aware of any changes to
- 7 the laws that would allow it today that didn't
- 8 exist before?
- 9 MR. COLLINS: Objection. Calls for a
- 10 legal conclusion, among other things.
- 11 THE WITNESS: I don't know anything
- 12 about the laws, no, right now on that.
- 13 BY MR. BOGLE:
- Q Okay. Well, you talked about the fact
- that you guys could get it. I'm just trying to
- 16 follow up on that.
- 17 A It depends --
- MR. COLLINS: I'm sorry, is that -- I'm
- 19 not sure that's a question.
- MR. BOGLE: No, it's not. It's just a
- 21 comment.
- 22 BY MR. BOGLE:
- 23 Q Now, you talked about blocked orders and
- 24 suspicious order reports generally. Do you recall

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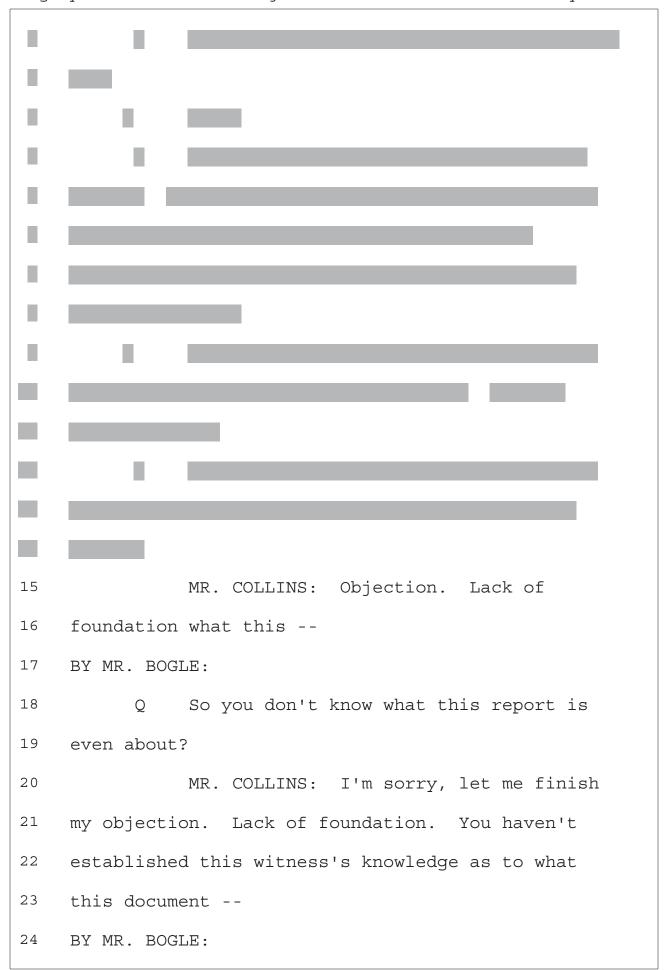


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- 1 Q Geez, it should, man. I mean, you don't
- 2 know when orders were blocked from your
- 3 distribution center?
- 4 MR. COLLINS: You don't have to answer
- 5 that.
- 6 BY MR. BOGLE:
- 7 Q No, you do. You don't know that?
- 8 MR. COLLINS: Actually -- actually, lack
- 9 of foundation. You haven't established this
- 10 witness has any knowledge about this document. He
- 11 keeps telling you he doesn't know anything about
- 12 the document, and you keep asking him questions
- about a document he doesn't know anything about.
- 14 THE WITNESS: I don't know anything
- about this document, and you say it's a blocked
- item document, and this cover page is on it, but
- 17 I've never seen this before.
- 18 BY MR. BOGLE:
- 19 Q I put the cover page on there.
- 20 Everything else --
- 21 A Oh --
- Q -- is provided to us by --
- 23 A -- I did not know that.
- Q That's a summary of the data included in

there. 1 2 If you say so, but I don't -- can't testify to that. Okay. You have no reason to dispute the 5 accuracy of either of those statements, do you, on 6 the first page? 7 MR. COLLINS: Objection. Lack of foundation. 8 9 BY MR. BOGLE: 10 Q Do you? MR. COLLINS: Objection. Lack of 11 12 foundation. 13 THE WITNESS: I don't trust what you put 14 on here. 15 BY MR. BOGLE: 16 Q You don't trust what I put on there? 17 A No. Show me where I'm wrong in the document. 18 Q 19 I don't know the document. A 20 Okay. You don't have any idea, right? Q MR. COLLINS: Objection. Argumentative. 21 22 MR. BOGLE: No further questions. 23 MR. COLLINS: Actually I have a couple

of follow-ups.

24

```
1
                    REDIRECT EXAMINATION
 2
    BY MR. COLLINS:
12
                All right, Exhibit 68, Mr. Bogle
           Q
    questioned you about this allegedly lost tote.
13
14
                Did McKesson ever lose any totes in
    connection with servicing whatever customer this
15
    is?
16
17
          Α
                No.
                Do you have any idea what this -- what
18
19
     is being discussed in this e-mail?
20
                This is --
          Α
21
                MR. BOGLE: Object to form.
22
                THE WITNESS: This is their Giant Eagle
    warehouse that they contracted with SSD to fill --
23
24
    to deliver orders, and their due diligence would
```

```
1 have been their manifest.
```

- But Barb is trying to find out because
- 3 she's doing due diligence to make sure controls
- 4 don't get out on the street.
- 5 BY MR. BOGLE:
- 6 Q Does this document reflect that McKesson
- 7 lost totes?
- 8 A No.
- 9 MR. BOGLE: Object to form.
- MR. COLLINS: No further questions.
- MR. BOGLE: All right, we're done.
- 12 THE VIDEOGRAPHER: All right. The time
- is -- sorry, anything else?
- MR. BOGLE: No, I'm good.
- MR. COLLINS: We're good.
- 16 THE VIDEOGRAPHER: Anybody on the phone
- 17 either?
- I just want to make sure --
- 19 MR. COLLINS: I didn't even know -- was
- there anybody participating by phone?
- 21 THE VIDEOGRAPHER: The time is
- 22 6:23 p.m., November 8, 2018.
- Going off the record, completing the
- videotaped deposition.

```
(Whereupon, the deposition of
 1
                  BLAINE M. SNIDER was concluded
 2
 3
                  at 6:23 p.m.)
 4
 5
 6
 7
 8
 9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
```

```
1
         CERTIFICATE OF CERTIFIED SHORTHAND REPORTER
 2
          The undersigned Certified Shorthand Reporter
 3
    does hereby certify:
          That the foregoing proceeding was taken before
 5
    me at the time and place therein set forth, at
 6
    which time the witness was duly sworn; That the
    testimony of the witness and all objections made
 7
    at the time of the examination were recorded
 8
 9
    stenographically by me and were thereafter
10
    transcribed, said transcript being a true and
11
    correct copy of my shorthand notes thereof; That
12
    the dismantling of the original transcript will
    void the reporter's certificate.
13
14
          In witness thereof, I have subscribed my name
15
    this date: November 13, 2018.
16
17
18
                       LESLIE A. TODD, CSR, RPR
19
                       Certificate No. 5129
20
     (The foregoing certification of
21
    this transcript does not apply to any
22
    reproduction of the same by any means,
    unless under the direct control and/or
23
    supervision of the certifying reporter.)
24
```

```
1
                  INSTRUCTIONS TO WITNESS
 2
          Please read your deposition over carefully and
 3
    make any necessary corrections. You should state
    the reason in the appropriate space on the errata
 5
    sheet for any corrections that are made.
 6
    After doing so, please sign the errata sheet
 7
    and date it.
 8
          You are signing same subject to the changes
 9
    you have noted on the errata sheet, which will be
10
    attached to your deposition. It is imperative
11
    that you return the original errata sheet to the
12
    deposing attorney within thirty (30) days of
13
    receipt of the deposition transcript by you.
                                                    Ιf
14
    you fail to do so, the deposition transcript may
15
    be deemed to be accurate and may be used in court.
16
17
18
19
20
21
22
23
24
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1			
2		ERRATA	
3			
4	PAGE LINE CHANGE		
5			
6			
7			
8			
9			
10			
	REASON:		
11			
12	REASON:		
13			
14	REASON:		
15			
16	REASON:		
17			
18	REASON:		
19			
20	REASON:		
21			
22	REASON:		
23			
24			

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1	ACKNOWLEDGMENT OF DEPONENT		
2	I,, do hereby		
3	certify that I have read the foregoing pages, and		
4	that the same is a correct transcription of the		
5	answers given by me to the questions therein		
6	propounded, except for the corrections or changes		
7	in form or substance, if any, noted in the		
8	attached Errata Sheet.		
9			
10			
11	BLAINE M. SNIDER DATE		
12			
13			
14	Subscribed and sworn to		
15	before me this		
16	day of,20		
17	My commission expires:		
18			
19	Notary Public		
20			
21			
22			
23			
24			